

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
THIRD
EXTRAORDINARY
SESSION OF 1971

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, NOVEMBER 30, 1971



WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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**JOURNAL
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FIRST LEGISLATIVE DAY

TUESDAY, NOVEMBER 30, 1971

BE IT REMEMBERED, that on the 23rd day of November, A. D., 1971, George C. Wallace, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, there is a critical and pressing need for tax reform in this state particularly in the field of ad valorem taxation in order to avoid an intolerable and unbearable tax burden that must be borne by the homeowner if the present rate of 60% of the market value is not changed; and

WHEREAS, there exist this extraordinary occasion and special circumstance which compels and demands the convening of the Legislature in an extraordinary session as prescribed by Section 122 of the Constitution of Alabama 1901, all in the public interest and for the public good.

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the seat of Government in Montgomery, Alabama, at 12:00 Noon on Tuesday, November 30, 1971, and I do hereby designate the following subject and matter to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to provide for the valuation and assessment of real and personal property for ad valorem taxation at a percentage of the value thereof that is uniform, fair, reasonable and equitable and which does not amount to a confiscation of the property of the homeowner in Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the Great Seal to be affixed and caused the Secretary of State to attest this Proclamation at the Capitol in the City of Montgomery on the 23rd day of November, 1971.

GEORGE C. WALLACE,
Governor.

SEAL:

ATTEST:

MABEL S. AMOS
Secretary of State

Pursuant to such proclamation, at the hour of 12 o'clock Noon on Tuesday, November 30, 1971, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable Jere Beasley, Lieutenant Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by Doctor R. Wilbur Simmons, Past Chaplain of the Legislature of California, Retired executive of the United Church of Christ U. S. A., and currently Presbyterian minister in New Zealand.

ROLL CALL

Present:

Messrs.:	Dozier	Horne	Owen
Bailes	Fine	Jones	Pelham
Branyon	Foshee	King	Pierce
Carr	Gilmore	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cook	Hammond	Malone	Vacca
Cooper	Harris	Noonan	Wilder
Dominick			

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LEAVES OF ABSENCE

On motion of Mr. Pelham, leaves of absence were granted Messrs. Edington, Hawkins, Lindsey, McLain, O'Bannon, Weaver and Wilson for today.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to notify the Senate that the House is now in session and is ready for the transaction of public business,

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Mr. Pelham offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of two members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED That said Committee ascertain from His Excellency if he desires to address a Joint Session of the Legislature and if he does so desire, to further ascertain the time most suitable to him for such address.

On motion of Mr. Pelham, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Cooper and Bailes.

Mr. Pelham offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a Joint Session of the Legislature be held at 12:30 o'clock this afternoon for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

BE IT FURTHER RESOLVED That a Committee of two members from the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him that the two Houses will meet in Joint Session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the Hall of the House of Representatives for the Joint Session.

On motion of Mr. Pelham, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Clark and Pelham.

MOTION TO RECESS

Mr. Pelham moved that when the Senate recess for the Joint Session, they recess to meet again at 2:30 o'clock this afternoon, which motion was adopted.

JOINT SESSION

The hour of 12:30 P. M. having arrived, on motion of Mr. Pelham, and in accordance with Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, Honorable George C. Wallace.

The Session was called to order by the President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable George C. Wallace was escorted to the Chair and delivered his address to the Legislature of Alabama. (See House Journal for Governor's Message.)

The purpose of the Joint Session having been accomplished, and in accordance with motion heretofore adopted, at 2:30 P. M., the Senate re-assembled in the Senate Chamber and was called to order by the Honorable Jere Beasley, President and Presiding Officer of the Senate.

ROLL CALL

Present:

Messrs.:	Dozier	Horne	Owen
Bailes	Fine	Jones	Pelham
Branyon	Foshee	King	Pierce
Carr	Gilmore	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cook	Hammond	Malone	Vacca
Cooper	Harris	Noonan	Wilder
Dominick			

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 1. Relative to His Excellency addressing a Joint Session of the Legislature.

Also:

S. J. R. 2. Relative to a Joint Session to hear the message of the Honorable George C. Wallace, Governor of Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gloor:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker of the House has named as a Committee on the part of the House Messrs. Headley, Callahan and Lang.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Clark, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gloor:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a joint session of the House and Senate be held at 12:30 p. m. today for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

RESOLVED FURTHER, that a committee of three from the House, to be named by the Speaker of the House, and a Committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two

Houses will meet in joint session at the hour named above for the purpose of receiving his message.

And the Speaker of the House named as a Committee on the part of the House, Messrs. Headley, Callahan and Lang.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pelham, the Rules were suspended and the Resolution, H. J. R. 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Bank:

H. J. R. 19. WHEREAS, on November 18, 1971, S. J. R. 17 was adopted by the Legislature of Alabama permitting the Health Study Commission, created under the provisions of S. J. R. 70, Act No. 2226, Regular Session 1971, and

WHEREAS, the Legislature was to provide two stenographers to be selected by the Commission and whose pay would have been reduced; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature shall provide two stenographers to be selected by the Commission, whose compensation shall not exceed the salaries paid for committee clerks in the House and Senate. Funds to carry out the provisions of this resolution shall be expended from funds appropriated for the use of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cooper, the Rules were suspended and the Resolution, H. J. R. 19, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Grey (D):

H. J. R. 5. Distinguished Colleagues—It has never been the custom of the Citizens of this Great State to accept injustice or to condone unfair practices such as were exhibited to the people of this nation by "Bear" Bryant on this past Saturday. His conduct was unsportsmanlike in that the University of Alabama willfully and selfishly retained possession of the football and therein deprived Shug Jordan and the Auburn University of the use of the football;

THEREFORE, be it resolved by the Legislature of the State of Alabama that we do not condone this activity, that this is in fact an unsportsmanlike act;

THEREFORE, we do hereby appropriate the sum of \$21.00 plus State Tax to the said Auburn University for the purpose of purchasing their own football;

Be it further resolved that they be allotted equal time in which to play with said football.

This resolution is hereby adopted by the Legislature of Alabama, officially assembled in Montgomery, on this the 30th day Nov., 1971.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 5, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Harris:

S. 1. To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 549), as amended by Act No. 594, General Acts of Alabama, 1959, p. 1483, and by Act No. 44, General Acts of Alabama, 1965, Special Sess., p. 64, and by Act No. 323, General Acts of Alabama 1969, Reg. Sess., p. 693, and to appropriate the funds for carrying out the provisions of this act.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Harris:

S. 2. To amend Section 6A of Act No. 90, S. 66, Special Session 1971, which Act makes appropriations to the State Highway Department, by authorizing the Director to make additional funds available to match increased federal funds.

Committee on Finance and Taxation.

By Mr. Fine:

S. 3. Regulating the compensation of court reporters for county or inferior courts having equity jurisdiction in all counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census.

Committee on Local Legislation No. 1.

By Mr. Fine:

S. 4. To amend Section 38, Title 13 of the Code of Alabama, 1940, which places certain responsibilities, duties and functions upon the Chief Justice of the Supreme Court of Alabama; to further set forth

additional responsibilities, duties, functions and powers of the said Chief Justice pertaining to Supernumerary Circuit Judges, Circuit Judges, Department of Court Management, the Permanent Study Commission on Alabama's Judicial System, the Supreme Court, The Judicial Conference, and the administration of justice in Alabama; to authorize the Chief Justice to obtain statistics, data and other factual information from court officials; and to authorize the assignment of Circuit Judges to temporary duty with the Appellate Courts.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Carr:

S. 5. To amend Section 35 of Act No. 30, approved May 31, 1963, relating to The Official Court Reporter For the County Court of Marshall County, Alabama.

Committee on Local Legislation No. 1.

By Messrs. Lybrand, Bailes, Shelby, Malone, Pierce, Cook, Jones, Littleton, Dominick, Fine, Vacca, Owen, Gilmore, King and Harris:

S. 6. To redistrict the state and provide for the election of congressmen by district, amending Code of Alabama 1940, Title 17, Section 425, as amended.

Committee on Constitution and Elections.

By Mr. Shelby:

S. 7. To repeal Section 10, and to amend Sections 2, 4, 9, 11, 12 and 16, of Act No. 1286, H. 1694, Regular Session 1971, approved September 17, 1971, which Act established a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000, by revising the methods of budgeting and financing of said office.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 8. Validating contracts entered into on Sunday either before or after the effective date of the Act, and repealing Section 21, of Title 9, Alabama Code of 1940.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 9. Abolishing the requirement for the recitation of consideration in deeds and other conveyances of land and validating deeds and other conveyances heretofore executed and not containing such a recitation.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 10. To give effect to deeds, mortgages and other conveyances of interests in land heretofore executed by a married woman without the joinder of her husband, and to repeal Section 73, of Title 34, of the Alabama Code of 1940, relating to the joinder of the husband in the deed of his wife.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 11. Giving effect to certain conveyances of land executed in the name of corporations; amending Section 196, of Title 47, of the Alabama Code of 1940, to extend its provisions to all corporations organized for private profit and to create a conclusive presumption as to the power of certain corporate officers; extending the effect of Section 58, of Act Number 414, Alabama Laws, Regular Session, 1959, dealing with the defense of ultra vires, to all corporations organized for private profit and giving retroactive effect to the provisions of this act.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 12. Forbidding the recording of certain instruments describing land by unrecorded plats and providing a penalty for the making of false recitations as to the unavailability of plats.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 13. Forbidding the recording of certain instruments failing to recite the marital status of the grantor and providing a penalty for the making of false recitations as to such status.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 14. Curing certain defects in instruments affecting title to land recorded either before or after the effective date of this Act.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 15. Amending Act Number 624, Alabama Laws, Regular Session, 1965, as amended by Act Number 121, Alabama Laws, Regular Session, 1969, providing for the recitation of the draftsman of certain instruments, so as to give such Acts statewide effect.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 16. Creating a presumption as to the delivery of instruments conveying interests in land, recorded either before or after the passage of this Act.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 17. Giving the protection afforded an innocent purchaser for value of those receiving quitclaim deeds or similar instruments either before or after the passage of this act.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 18. To further regulate the creation, exercise and termination of powers of attorney and to validate the exercise of certain powers of attorney now of record.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 19. Limiting the Duration of Contracts for the Sale of Land and Limiting the Notice of Contracts for the Sale of Land recorded Either before or After the Effective Date of this Act.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 20. To limit the duration of options to purchase land and the duration of notice of options heretofore or hereafter recorded.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 21. Amending Section 66, 67, 69, 70 and 74, of Title 47, of the Alabama Code of 1940, to provide for the filing of a lis pendens when an application has been made for an order of condemnation of land, or any interest therein.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 22. Proposing an amendment to the Constitution of Alabama, and to order that a special election by the qualified voters of the State upon the proposed amendment be held on the first Tuesday following the expiration of three months after the final adjournment of this session of the Legislature.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Malone:

S. 23. To authorize county solid waste and park and recreation authorities in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census to pay to the county health officer or his administrative assistant a monthly expense allowance.

Committee on Local Legislation No. 1.

By Mr. Lybrand:

S. 24. To make an appropriation for the operation and maintenance of Jacksonville State University.

Committee on Finance and Taxation.

By Mr. Lybrand:

S. 25. To amend Section 1 of Act No. 604, S. 93, 1969 Regular

Session (Acts 1969, p. 1092) entitled "An Act Relating to suffrage and elections; authorizing and providing for registration of certain absentee electors by mail," so as to include under the provisions of said Act students attending educational institutions located outside the county of their residence.

Committee on Constitution and Elections.

By Messrs. Cook, Pierce, Bailes, King, Wilder, Jones, Fine, Foshee, Gilmore and Lybrand:

S. 26. To provide that members of the Enforcement Division of the Public Service Commission designated in writing by the Public Service Commission shall have the powers of peace officers and deputy sheriffs in this State and may exercise such powers anywhere within the State.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Dominick:

S. 27. To amend Section 2, 3, 4, 5 and 6 of Act No. 2271 of the 1971 Regular Session of the Legislature of Alabama which Act relates to the powers of counties having populations of 600,000 or more according to the most recent federal decennial census; authorizing the governing bodies of such counties to adopt ordinances which protect the historic architectural character of the county, including designating historic districts, creating certain agencies to promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

Committee on Local Legislation No. 2.

By Messrs. Bailes, King, Cook, Vacca, Gilmore and Dominick:

S. 28. To regulate the rate of assessing property for taxation and to repeal conflicting laws.

Committee on Finance and Taxation.

By Messrs. Bailes, King and Gilmore:

S. 29. To amend Title 15, Section 15, Code of Alabama 1940 so as to provide a homestead exemption from state, county and municipal ad valorem taxes not to exceed \$5,000 in assessed value for state ad valorem tax purposes and to authorize the governing body of each county and each municipal corporation to grant a homestead exemption not to exceed \$2,000 in assessed value for county ad valorem tax purposes, and not to exceed \$2,000 in assessed value for municipal ad valorem tax purposes nor 180 acres in area.

Committee on Finance and Taxation.

By Messrs. Bailes, Gilmore and King:

S. 30. To provide for an inventory and appraisal of the property in Alabama as a basis for equalizing property assessments, authorizing the employment of persons and firms for such purpose, requiring the use of property values found by the department of revenue to be used in assessing property for taxation and providing for a review of such findings by the department of revenue and the county boards of equalization providing for appeals from the decisions of the county boards of equalization and authorizing the use of funds in an equalization program and to appropriate funds to the department of revenue required to comply with its provisions.

Committee on Finance and Taxation.

By Messrs. Bailes, Gilmore and King:

S. 31. To amend Title 15, Section 15, Code of Alabama 1940 so as to provide a homestead exemption from State, county and municipal ad valorem taxes not to exceed \$5,000 in assessed value for state ad valorem tax purposes and to authorize the governing body of each county and each municipal corporation to grant a homestead exemption not to exceed \$3,000 in assessed value for county ad valorem tax purposes, and not to exceed \$2,000 in assessed value for municipal ad valorem tax purposes nor 180 acres in area.

Committee on Finance and Taxation.

By Messrs. Bailes, King, Cook, Vacca, Gilmore and Dominick:

S. 32. To propose an amendment to the Constitution of Alabama for the purpose of protecting individual property owners from possible drastic changes in ad valorem taxation as the result of a state-wide equalization of property assessments; to stabilize the income to the counties and the municipalities from the ad valorem tax; to set a rate of taxation in each county and each municipality which will produce for each such county and each such municipality a total amount from the ad valorem tax which will equal the amount of tax collected as ad valorem tax for the next preceding tax year; to provide that the total of all levies of ad valorem tax shall not exceed one and 5 tenths percent of the market value of the property taxed.

Committee on Finance and Taxation.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Bailes, King, Cook, Vacca, Gilmore and Dominick:

S. 33. To authorize the governing body of each county and each municipal corporation to grant a homestead exemption from property taxation, not exceeding \$2,000.

Committee on Finance and Taxation.

By Messrs. Bailes, Gilmore, Vacca, King and Dominick (By Request):

S. 34. To amend Title 51, Section 15, Code of Alabama 1940, so as to provide a homestead exemption from all state, county and municipal ad valorem taxes not to exceed five thousand dollars in assessed value for state tax purposes and two thousand dollars in assessed value for county and municipal tax purposes nor one hundred eighty acres in area; to amend Title 51, Section 17, Code of Alabama 1940, so as to set the assessment rate of all taxable property within this state at thirty percent of its fair and reasonable market value; to amend Title 51, Section 2 (m), Code of Alabama 1940 so as to exempt manufactured articles in the hands of the manufacturer for twelve months; to amend Title 51, Section 2(q), Code of Alabama 1940, so as to exempt all household furniture, fixtures and personal effects and to add to Section 2 as subsection (t) the following: "Inventories of goods, wares and merchandise held for sale in a regular course of business in an amount not to exceed ten thousand dollars in assessed value"; to amend Title 51, Section 704, Code of Alabama 1940, providing for the assessment and collection of ad valorem taxes on motor vehicles; to provide for the severability of the provisions of this act; to repeal all laws or parts of laws in conflict with this act; and to provide when this act shall become effective.

Committee on Finance and Taxation.

By Messrs. Bailes, Gilmore, King and Cook:

S. 35. To amend Section 1 of Act No. 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 so as to increase the membership of the County Pardon and Parole Board in all counties having a population of 600,000 or more according to the last or any subsequent decennial census.

Committee on Local Legislation No. 2.

By Mr. Littleton:

S. 36. Relating to counties having a population of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Committee on Local Legislation No. 1.

By Messrs. Littleton, Foshee, Fine and Malone:

S. 37. To provide for the issuance of special license tags to members of the Alabama Jaycees and Citizen's Band Radio Operators.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Wilder:

S. 38. To amend the title and Section 1 of Act No. 148, H. 203, Special Session 1967 (Acts 1967, p. 197), which Act provides for an expense allowance for the district attorney of all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Wilder:

S. 39. To amend the title and Section 1 of Act No. 146, H. 185, Special Session 1967 (Acts 1967, p. 146), which Act provides for an expense allowance for each of the circuit judges in all judicial circuits in this State composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Horne:

S. 40. Relating to certain schools and/or courses of instruction publicized, sold, offered for sale and/or administered to residents of this State; prescribing certain requirements relative to the operation of schools and solicitation of students; providing exceptions for the application of this act; providing for the issuance of permits by the Alabama State Department of Education; authorizing the Alabama State

Board of Education to adopt rules and regulations for the administration and enforcement of this act and to establish an advisory committee to assist in its functions; providing for appeals from decisions of the Alabama State Department of Education and providing penalties for violations.

Committee on Education.

By Mr. Horne:

S. 41. To repeal Act No. 33, H. 44, Special Session 1969 (Acts 1969-1970, p. 83), an act relating to local funds for support of the public schools; requiring a prescribed minimum of local financial support as an additional prerequisite to participation in the apportionment of the minimum program fund.

Committee on Finance and Taxation.

By Mr. Horne:

S. 42. To amend Title 52, Section 41, Code of Alabama 1940 as amended; to provide for the salary of the state superintendent of education; to repeal all laws in conflict herewith and to provide for an effective date of this act.

Committee on Finance and Taxation.

By Mr. Horne:

S. 43. To provide an expense allowance for the members of the State Board of Education in addition to certain expenses incurred in attending meetings and transacting business of the board and providing that provisions of Act No. 470, S. 182, Regular Session 1969 (Acts 1969, p. 912) shall not be applicable to the members of said boards.

Committee on Finance and Taxation.

By Messrs. Cooper, Foshee, Fine, Littleton, Branyon, Horne, Register, Clark, Dozier, Owen, Givhan and Hammond:

S. 44. To propose an amendment to the Constitution of Alabama for the purpose of protecting individual property owners from possible drastic changes in ad valorem taxation as the result of a state-wide equalization of property assessments; to stabilize the income to the counties and the municipalities from the ad valorem tax; to set a rate of taxation in each county and each municipality which will produce for each such county and each such municipality a total amount from the ad valorem tax which will equal the amount of tax collected as ad valorem tax for the next preceding tax year; to provide that the total of all levies of ad valorem tax shall not exceed one and two tenths percent of the market value of the property taxed.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Cooper, Fine, Foshee, Littleton, Branyon, Horne, Register, Clark, Dozier, Owen, Givhan and Hammond:

S. 45. To provide for an inventory and appraisal of the property in Alabama as a basis for equalizing property assessments, authorizing the employment of persons and firms for such purpose, requiring the use of property values found by the department of revenue to be used in assessing property for taxation and providing for a review of such findings by the department of revenue and the county boards of equalization providing for appeals from the decisions of the county boards

of equalization and authorizing the use of funds in an equalization program and to appropriate funds to the department of revenue required to comply with its provisions.

Committee on Finance and Taxation.

By Messrs. Cooper, Fine, Foshee, Littleton, Branyon, Horne, Register, Clark, Dozier, Owen, Givhan and Hammond:

S. 46. To designate the department of revenue as the agency to compute the adjustment of county and municipal rates of the ad valorem tax for the purpose of stabilizing such tax at its level before equalization; to provide for collection of tax on new and escaped property and to make this Act effective on adoption of a constitutional amendment proposed by this session of the legislature providing for the adjustment of county and municipal tax rates.

Committee on Finance and Taxation.

By Messrs. Cooper, Foshee, Fine, Littleton, Branyon, Horne, Register, Clark, Dozier, Owen, Givhan and Hammond:

S. 47. Proposing an amendment to Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; establishing a classification system of property taxation; fixing assessment rates for each class of property.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Cooper, Fine, Foshee, Littleton, Branyon, Horne, Register, Clark, Dozier, Owen, Givhan and Hammond:

S. 48. To amend Title 51, Section 15, Code of Alabama 1940, so as to provide a homestead exemption from all state and county ad valorem taxes not to exceed two thousand dollars (\$2,000) in assessed value for state tax purposes and one thousand dollars (\$1,000) in assessed value for county tax purposes nor one hundred eighty acres in area; to amend Title 51, Section 17, Code of Alabama 1940, so as to establish a classification system of property taxation and fix assessment rates for each class of property; to amend Title 51, Section 2(m), Code of Alabama 1940, so as to exempt manufactured articles in the hands of the manufacturer for twelve months; to amend Title 51, Section 2 (q), Code of Alabama 1940, so as to exempt all household furniture, fixtures and personal effects and to add to Section 2 as Subsection (t) the following: "Inventories of goods, wares and merchandise held for sale in a regular course of business in an amount not to exceed ten thousand dollars (\$10,000) in assessed value"; to amend Title 51, Section 704, Code of Alabama 1940, providing for the assessment and collection of ad valorem taxes on motor vehicles; to provide for the severability of the provisions of this act; to repeal all laws or parts of laws in conflict with this act; and to provide when this act shall become effective.

Committee on Finance and Taxation.

By Messrs. Cooper and Foshee:

S. 49. To create the office of spiritual guidance counselor for state highway camps.

Committee on Finance and Taxation.

By Mr. Cooper:

S. 50. To amend Section 5 of Act No. 2307 of 1971 Regular Session

relating to coverage of School Bus Drivers, etc., in the Teachers' Retirement System of Alabama.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Foshee:

S. 51. Relating to any county having a population of not less than 34,000 nor more than 34,800; to abolish the fine and forfeiture fund of such county; to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Committee on Local Legislation No. 1.

By Mr. Foshee:

S. 52. To amend further Section 1 of Act No. 122, H. 91, Special Session 1965 (Acts 1965, p. 175), as last amended, which provides expense allowances for the chairman or presiding judge and members of the governing body of certain counties having a population of not less than 13,000 nor more than 13,250.

Committee on Local Legislation No. 1.

By Mr. Harris:

S. 53. To amend Section 2 and to repeal Sections 3, 4, 6, and 7 of Act No. 1912, H. 2045, Regular Session 1971, which act provided salaries and clerical assistance for certain officers of counties having a population of not less than 39,500 nor more than 41,750, and to make the amendment retroactive to October 1, 1971.

Committee on Local Legislation No. 1.

By Mr. Harris:

S. 54. To amend Act No. 439, S. 731, Regular Session 1971, approved August 26, 1971, which act provides for the operating expenses of certain county officers, in counties having a population of not less than 39,500, nor more than 41,750, by providing said expenses for the circuit clerk in such counties, retroactive to October 1, 1971.

Committee on Local Legislation No. 1.

By Messrs. Pierce, Jones, Harris, Lybrand, Dozier and Wilder:

S. 55. To authorize and direct the State of Alabama Personnel Board to establish tax-deferred annuity and deferred compensation programs for salaried state employees; to provide for voluntary salary reduction contributions by employees; to provide for payroll deductions of the contributions for participating employees; to provide for the adoption of consolidated billing and administrative services by the personnel board; to prohibit any conflict with the provisions of the State of Alabama Employees Retirement System.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Pierce, Jones, Pelham and Dozier:

S. 56. To better provide for the public health by providing for the regulation and approval of schools and educational programs of licensed practical nursing, for the examination, regulation and licensing of

practical nurses; to create and define the powers of the Board of Licensed Practical Nursing of Alabama; to provide for the appointment and prescribe the terms of office, duties and compensation of members of such Board; to provide for disciplining licensees and for appeals from decisions of the said Board; to prescribe penalties for violations of the provisions of this Act; to make further provisions for the purposes of carrying out this Act; and to repeal all laws in conflict herewith.

Committee on Health.

By Mr. Dozier:

S. 57. To regulate further the excusing of persons from jury service in the Twelfth Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Committee on Local Legislation No. 1.

By Mr. Dozier:

S. 58. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Twelfth Judicial Circuit of Alabama.

Committee on Local Legislation No. 1.

By Messrs. Noonan and Pelham:

S. 59. To authorize the county governing bodies in counties having a population of not less than 300,000, according to the last or any future federal census, to enter into contracts and agreements with the United States of America, the State of Alabama and other counties for the purpose of acquiring funds and facilities for public use.

Committee on Local Legislation No. 2.

By Messrs. Noonan and Pelham:

S. 60. To Amend Section 4 of Title 12 of the Code of Alabama of 1940, As Amended by an Act of the Legislature entitled, "To Amend Section 4 of Title 12 of the 1940 Code of Alabama," approved on September 19, 1949, and an Act of the Legislature entitled, "To Amend Title 12, Section 4, Code of Alabama, 1940, as amended pertaining to reports and remittances by tax collectors", approved September 23, 1959, to authorize depositories for county health funds.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 61. To propose an amendment to the Constitution of Alabama for the purpose of protecting individual property owners from possible drastic changes in ad valorem taxation as the result of a state-wide equalization of property assessments; to stabilize the income to the counties and the municipalities from the ad valorem tax; and to provide a means by which the qualified electors of the counties and the municipalities of the state may here-after determine for themselves within certain limits the rates at which the property in such counties and municipalities shall be taxed; to set a rate of taxation in each county and each municipality which will produce for each such county and each such municipality a total amount from the ad valorem tax which will equal the amount of tax collected as ad valorem tax for the next preceding tax year; to authorize a subsequent increase or decrease be submitted to a vote of the qualified electors of such county and such

municipality; to provide that the total of all levies of ad valorem tax shall not exceed one and two tenths percent of the market value of the property taxed.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Noonan:

S. 62. To designate the department of revenue as the agency to compute the adjustment of county and municipal rates of the ad valorem tax for the purpose of stabilizing such tax at its level before equalization; to provide for collection of tax on new and escaped property and to make this Act effective on adoption of a constitutional amendment proposed by this session of the legislature providing for the adjustment of county and municipal tax rates.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 63. To provide for an inventory and appraisal of the property in Alabama as a basis for equalizing property assessments, authorizing the employment of persons and firms for such purpose, requiring the use of property values found by the department of revenue to be used in assessing property for taxation and providing for a review of such findings by the department of revenue and the county boards of equalization providing for appeals from the decisions of the county boards of equalization and authorizing the use of funds in an equalization program and to appropriate funds to the department of revenue required to comply with its provisions.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 64. To propose an amendment to the Constitution of Alabama for the purpose of protecting individual property owners from possible drastic changes in ad valorem taxation as the result of a state-wide equalization of property assessments; to stabilize the income to the counties and the municipalities from the ad valorem tax and to provide a means by which the qualified electors of the counties and the municipalities of the state may hereafter determine for themselves within certain limits the rates at which the property in such counties and municipalities shall be taxed; to set a rate of taxation in each county and each municipality which will product fo reach such county and each such municipality a total amount from the ad valorem tax which will equal the amount of tax collected as ad valorem tax for the next preceding tax year; to authorize a subsequent increase or decrease be submitted to a vote of the qualified electors of such county and such municipality; to provide that the total of all levies of ad valorem tax shall not exceed one and two tenths percent of the market value of the property taxed; and to provide for the funding of equalization of property tax assessments.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Clark:

S. 65. To amend Section 10 of Act No. 211, Regular Session 1945,

approved July 7, 1945, (General Acts of Alabama 1945, p. 330), which relates to public hospitals, so as to provide an alternative form of selecting the directors of certain public hospital associations.

Committee on Health.

By Messrs. Owens, Noonan, Hammond, Clark, Register, Harris, King, Cooper and Littleton:

S. 66. To make additional appropriations to the Divisions of Game and Fish, Water Safety, Administrative and State Parks of the Department of Conservation and Natural Resources.

Committee on Finance and Taxation.

By Messrs. Owen, Noonan, Hammond, Clark, Register, Harris, King, Cooper and Littleton:

S. 67. To make appropriations from the Water Safety Fund in the State Treasury for Division of Water Safety capital improvements.

Committee on Finance and Taxation.

By Messrs. Owen, Clark, King, Cooper and Littleton:

S. 68. To authorize the Department of Conservation and Natural Resources to comply with Public Law 91-646, known as the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970.

Committee on Conservation.

By Mr. Owen:

S. 69. Relating to counties having populations of not less than 57,000 nor more than 61,000; to require the county commission in any such county to provide not less than 12 deputy sheriffs, and require one chief and two deputy jailors, and to prescribe the compensation of such deputies and jailors.

Committee on Local Legislation No. 1.

By Mr. Owen:

S. 70. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the tax collector of such counties.

Committee on Local Legislation No. 1.

By Mr. Owen:

S. 71. To provide an expense allowance for the clerk of the juvenile court of any county having a population of not less than 57,000 nor more than 61,000, according to the last or any subsequent federal decennial census, where the clerk of the circuit court also serves as clerk of the juvenile court.

Committee on Local Legislation No. 1.

By Mr. Owen:

S. 72. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the tax assessor of such counties.

Committee on Local Legislation No. 1.

By Mr. Owen:

S. 73. Relating to counties having a population of not less than 57,000 nor more than 61,000 in habitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the Judge of Probate of such counties.

Committee on Local Legislation No. 1.

By Mr. Register:

S. 74. Relating to counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance to the coroner of said counties in the amount of \$75.00 per month.

Committee on Local Legislation No. 1.

By Mr. Register:

S. 75. To provide for the reinstatement of certain persons holding permanent appointments in the classified service of the City of Dothan after having left such classified service to serve as heads of a department of government of such city or county with all their former status and rights pertaining thereto.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF HOUSTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the reinstatement of certain persons holding permanent appointments in the classified service of the City of Dothan, after having left such classified service to serve as heads of a department of government of such city or county with all their former status and right pertaining thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. If any person, prior to becoming head of a department of government of the City of Dothan, held a permanent appointment in the classified service of the City of Dothan under the civil service system of Dothan, existing pursuant to Act No. 273, S. 292 of the Regular Session of 1947 (Local Acts, 1947, p. 196), as amended and supplemented, and the combined time he served in such classified service and as head of the department is not less than eight years, he shall, at his option, upon ceasing to be such department head be reinstated as an employee in the classified service of the City of Dothan, provided he is not otherwise disqualified for such service. Such employee shall be reinstated in a position of comparable grade and compensation to the position he held immediately prior to accepting position as head of a department, and he shall be entitled to his former status in such service and all the rights and benefits accruing themselves just as if he had been granted a leave of absence for the period he served as head of the department.

Section 2. The provisioins of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF HOUSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Wallace Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Adv. Director of the Dothan Eagle, a newspaper of general circulation published in Houston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 29, Aug. 5, Aug. 12, and Aug. 19, all in the year 1971.

WALLACE MILLER.

Sworn to and subscribed before me Aug. 24, 1971.

EUGENE S. MCCLINTIC,
Notary Public.

By Mr. Register:

S. 76. To amend Act No. 1126, S. 378, Regular Session of 1969, (Acts of Alabama 1969-70, Vol. III, p. 2084), entitled "An Act to provide for the delineation and designation of state planning and development districts and to authorize the governing bodies of counties and municipalities to establish regional planning and development commissions compatible with such state districts," by amending Section 8 thereof to provide that certified regional planning and development commissions may receive certain funds in addition to state financial support and to authorize the Alabama Development Office to allocate funds to such commissions and to regulate such allocations.

Committee on Finance and Taxation.

By Mr. Register:

S. 77. Relating to revenue; to exempt from taxation the recording of certain mortgages, deeds of trust and other instruments of like character executed to secure construction loans.

Committee on Finance and Taxation.

By Messrs. Register and Hammond:

S. 78. To propose an amendment to the Constitution of Alabama, amending Amendment XCIII, adopted November 19, 1952, so as to authorize the Legislature to provide for the manufacture, distribution and use on motor vehicles of personalized prestige license plates or tags which may be procured by payment of a fee or charge in addition to the regular fee, excise or license tax for the registration, operation and use of the motor vehicle upon the public highways, and to provide for the use of the moneys derived from such fees or charges.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Register and Hammond:

S. 79. To provide for the issuance of special personalized prestige license tags to owners of private passenger or pleasure motor vehicles upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, numbers or other special marks, emblems, symbols or badges of distinction or personal prestige, or combination thereof, as are approved by the state department of revenue; to prescribe an additional privilege fee for such special personalized tags; to regulate the use of such tags; to provide for the distribution and use of the proceeds derived from additional fees for such personalized tags; and to prescribe penalties.

Committee on Finance and Taxation.

By Mr. Register:

S. 80. To provide for the conviction of an accused and the payment of fines in cases involving violation of the traffic and motor vehicle laws of the State of Alabama and the municipalities thereof upon a written waiver of trial and a written plea of guilty, and without the personal appearance of the accused before the Court having jurisdiction of such case.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Vacca, Shelby, Fine, Dominick and King:

S. 81. To amend Section 21 of Act No. 987, approved September 12, 1969, so as to provide that the Court of Criminal Appeals shall be composed of five judges who may sit in panels of three so long as three judges concur in the Court's decision; and to appropriate monies to carry out the provisions hereof.

Committee on Finance and Taxation.

By Messrs. Vacca, Shelby and Fine:

S. 82. To provide for the transfer of cases from the Alabama Court of Criminal Appeals and the Alabama Court of Civil Appeals to the Supreme Court of Alabama.

Committee on Rules.

RESOLUTIONS

Mr. Horne offered the following Senate Resolution, to-wit:

S. R. 3. WHEREAS, there exists a mutual respect between the military and the people of Alabama; and

WHEREAS, the military at Maxwell-Gunter Air Force Bases and other military bases in Alabama have performed many valuable community services including the recent airlift of Lanier High School Student Otis Armstrong to the burn center at Brooke Army Hospital, San Antonio, Texas, and

WHEREAS, the people of Alabama desire to make every effort to show their respect and appreciation to those from other states now serving in our country at military installations in Alabama;

THEREFORE BE IT RESOLVED BY THE SENATE OF ALABAMA

that the Alabama Department of Education is hereby encouraged, authorized and directed to allow military personnel stationed in Alabama to take the General Education Development (G. E. D.) test regardless of whether or not they are registered voters and without regard as to whether they live on or off a military base.

Which was read and referred to the Standing Committee on Rules.

Mr. Horne offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. WHEREAS, Mr. James Lebus Casey passed away on November 24th of this year; and

WHEREAS, Mr. James Lebus Casey was the father of our distinguished colleague, Representative John Casey; and

WHEREAS, Mr. Casey had lived a long and active life of 73 years and was one of the distinguished citizens of the City of Heflin and Cleburne County; and

WHEREAS, Mr. Casey will be greatly mourned by the citizens of this State, the members of this Legislature and his family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does greatly mourn the passing of Mr. James Lebus Casey and does pass this resolution as a memorial to his outstanding life.

On motion of Mr. Horne, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Horne, Bailes, Clark, Carr, King, Littleton, Gilmore, Givhan, Register, Pierce, Harris, Branyon, Cook, Cooper, Wilder, Vacca, Malone, Lybrand, Pelham, Shelby, Dominick, Noonan, Owen, Jones, Dozier, Fine and Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. WHEREAS, on November 25, 1971 Pat Sullivan of Auburn University was selected as the 1971 winner of the Heisman Trophy; and

WHEREAS, Auburn University and the State of Alabama have received national recognition as the home of the 1971 Heisman Trophy winner; and

WHEREAS, the 1971 Heisman Trophy winner, Pat Sullivan, represents the very best in college football on and off the field, and he has shown himself to be a person of great dignity and humility; and

WHEREAS, Pat Sullivan has brought good will and honor to the State of Alabama as the first and only Alabamian ever to win the coveted Heisman Trophy; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we congratulate Pat Sullivan on his selection as the finest college football player in America and commend him for the prominence he has attained and for the honor he has brought upon this State.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Pat Sullivan, Coach Ralph Jordan, Athletic Director Jeff Beard and Dr. Harry Philpott.

On motion of Mr. Horne, the Rules were suspended and the Resolution was adopted by the Senate.

NOTICE IN WRITING

Mr. Register offered the following Notice in Writing, to-wit:

"NOTICE IN WRITING"

"Notice is hereby given that on the next legislative day a Motion in Writing will be introduced to amend Senate Rule 18 by striking therefrom the words 'two-thirds' in the last sentence and inserting in lieu thereof the words 'three-fifth.'"

Which was read and ordered spread upon the Journal.

RESOLUTIONS

Messrs. Dominick, Bailes, Vacca, Gilmore, King and Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. WHEREAS, the Legislature of Alabama has found that the constant growth of vehicular traffic in large counties is placing excessive burdens upon local government; and that provision should be made for the establishment of public corporations to furnish public transportation services; and

WHEREAS, the Legislature has declared in Act No. 993 adopted at the 1971 Regular Session of the Legislature its intention to promote public mass transportation through public corporations; and

WHEREAS, the appropriate bodies in Jefferson County have taken steps to create such a public body and inaugurate public transit operations; and

WHEREAS, the first task of the Jefferson County Transit Authority will be to acquire and operate the private bus systems currently serving the Birmingham urban area; and

WHEREAS, such action, while vital to the well being and functioning of the Birmingham community, can only be considered a first step and a short term approach toward the solution of a problem that demands a broad framework and a long term approach;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Jefferson County Transit Authority be hereby directed to carry out the full intent of the Legislature by initiating a study of long range public transportation needs and potentials; that in carrying out the study it enlist the active participation of the Birmingham Regional Planning Commission so that the public transportation needs of State Planning and Development District No. 3 can be fully considered and incorporated; and that adequate provisions be made for participation in the study by a representative cross section of community interests and citizens.

BE IT FURTHER RESOLVED, that said Authority is hereby directed to transmit to the Legislature a report of its long range studies by the fifth legislative day of the 1973 Regular Session of the Legislature.

On motion of Mr. Dominick, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Dominick offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. There is hereby created a fiscal office for the Alabama Legislature which shall be under the supervision, direction and control of an officer designated as the director of the fiscal office. The state personnel department shall set up a register of persons eligible for the position of director of this finance office. The director shall be appointed by the fiscal committee from a list of persons eligible for the office certified to it by the state personnel department in the same manner that such department certified eligible persons for appointments to positions in the classified service of the State. The director shall not, however, be deemed a state employee in the classified service, and, except as to the manner of his appointment, shall not in any way be subject to the state merit system law. He may, at his election, participate in any retirement system available to state employees. His salary shall be fixed by such committee at an amount not to exceed \$22,500.00 per annum. He may employ, subject to the provisions of the Merit System Act, such employees as are reasonably needed to effect the purposes of this Act; and he is specifically authorized when, in his opinion, he can thereby serve the legislature better, and when he has the approval of the committee, to employ on a part-time basis, without regard to the state merit system law, such consultants and experts as he deems necessary. Such office shall be separate from and independent of the Legislative Reference Service.

2. The fiscal office is established for the purpose of assisting the finance and taxation committee of the Senate, the ways and means committee of the House of Representatives, other standing committees of the legislature, and the individual members of the legislature by providing budget review, fiscal analysis, and other types of financial information. Each department and agency of the State of Alabama government is further required to make its studies, surveys, statistics, internal records and other information available to the legislative fiscal office, upon request. Failure to comply with any such request shall constitute a misdemeanor. More specifically the fiscal office is charged with the following duties:

- (1) Analysis and review of agency operating budget requests;
- (2) Answering requests from individual legislators for fiscal information;
- (3) Evaluating legislative proposals for fiscal effect (i.e. preparing fiscal notes);
- (4) Analysis of agency capital budget requests, with the intention of helping to establish priorities;
- (5) Studying, in depth, selected executive programs during the interim between sessions of the legislature;
- (6) Reviewing, on a continuous basis, agency budgets and programs;
- (7) Checking executive revenue estimates for accuracy and possible revision;
- (8) Reviewing federal aid programs to insure that Alabama is taking full advantage of its opportunities for federal assistance;
- (9) Reviewing Alabama programs in which federal funds are involved and answering questions regarding efficiency, overlap, duplication or waste and whether the programs should be renewed or extended when federal funding runs out;
- (10) Preparing research memoranda on both the short and long range costs of executive programs;

(11) Pointing out new sources of revenues;

(12) Assisting committees in developing means to review periodically executive programs for efficiency and effectiveness;

(13) Briefing committee members in advance of public hearings on the most important aspects of an agency's program, and assisting the committee in scheduling and preparing the agenda for the hearing; and

(14) Performing such other duties as may be assigned by law or by the joint fiscal committee.

3. There is hereby created a continuing legislative committee to be known as the joint fiscal committee whose duty it shall be to supervise the operation of the legislative fiscal office. The committee shall consist of the chairman of the House Ways and Means Committee, four members elected from the House of which none shall be members of the Ways and Means Committee, the chairman of the Senate Finance and Taxation Committee and four members elected from the Senate of which none shall be members of the finance and Taxation Committee, and whose terms shall be for the quadrennium for which they have been elected to the legislature and until their successors have been elected and have qualified. The committee shall elect its own chairman and shall meet at the call of the chairman or any two members thereof, provided that the committee shall meet at least once each four months. Members shall be entitled to transportation allowances and to their regular legislative pay and per diem expenses for each day in which they are actually engaged in committee work.

4. The expenses of the legislative fiscal office shall be paid from funds appropriated to the use of the legislature, provided the total amount so expended shall not exceed the sum of \$75,000 for each of the fiscal years ending September 30, 1972 and September 30, 1973.

Which was read and referred to the Standing Committee on Rules.

Mr. Dominick offered the following Senate Resolution, to-wit:

S. R. 8. BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA:

1. There is hereby created a fiscal office for the Senate of the Alabama Legislature which shall be under the supervision, direction and control of any officer designated as the director of the fiscal office. The state personnel department shall set up a register of persons eligible for the position of director of this finance office. The director shall be appointed by the fiscal committee from a list of persons eligible for the office certified to it by the state personnel department in the same manner that such department certified eligible persons for appointments to positions in the classified service of the State. The director shall not, however, be deemed a state employee in the classified service, and, except as to the manner of his appointment, shall not in any way be subject to the state merit system law. He may, at his election, participate in any retirement system available to state employees. His salary shall be fixed by such committee at an amount not to exceed \$22,500.00 per annum. He may employ, subject to the provisions of the Merit System Act, such employees as are reasonably needed to effect the purposes of this Act; and he is specifically authorized when, in his opinion he can thereby serve the legislature better, and when he has approval of the committee, to employ on a part-time basis, without regard to the state merit system law, such consultants and experts as he deems necessary. Such office shall be separate from and independent of the Legislative Reference Service.

2. The fiscal office is established for the purpose of assisting the

finance and taxation committee of the Senate, other standing committees of the Senate, and the individual members of the Senate by providing budget review, fiscal analysis, and other types of financial information. Each department and agency of the State of Alabama government is further required to make its studies, surveys, statistics, internal records, and other information available to the fiscal office for the Senate, upon request. Failure to comply with any such request shall constitute a misdemeanor. More specifically the fiscal office is charged with the following duties:

- (1) Analysis and review of agency operating budget requests;
- (2) Answering requests from individual Senators for fiscal information;
- (3) Evaluating legislative proposals for fiscal effect (i.e. preparing fiscal notes);
- (4) Analysis of agency capital budget requests, with the intention of helping to establish priorities;
- (5) Studying, in depth, selected executive programs during the interim between sessions of the legislature;
- (6) Reviewing, on a continuous basis, agency budgets and programs;
- (7) Checking executive revenue estimates for accuracy and possible revision;
- (8) Reviewing federal aid programs to insure that Alabama is taking full advantage of its opportunities for federal assistance;
- (9) Reviewing Alabama programs in which federal funds are involved and answering questions regarding efficiency, overlap, duplication or waste and whether the programs should be renewed or extended when federal funding runs out;
- (10) Preparing research memoranda on both the short and long range costs of executive programs;
- (11) Pointing out new sources of revenues;
- (12) Assisting committees in developing means to review periodically executive programs for efficiency and effectiveness;
- (13) Briefing Senate Committee members in advance of public hearings on the most important aspects of an agency's program, and assisting the Senate committee in scheduling and preparing the agenda for the hearing; and
- (14) Performing such other duties as may be assigned by law or by the Senate fiscal committee.

3. There is hereby created a continuing legislative committee to be known as the Senate Fiscal committee whose duty it shall be to supervise the operation of the fiscal office for the Senate. The committee shall consist of the chairman of the Senate Finance and Taxation Committee and four members elected from the Senate, whose terms shall be for the quadrennium for which they have been elected to the Senate and until their successors have been elected and have qualified. The committee shall elect its own chairman and shall meet at the call of the chairman or any two members thereof, provided that the committee shall meet at least once each four months. Members shall be entitled to transportation allowances and to their regular legislative

pay and per diem expenses for each day in which they are actually engaged in committee work.

4. The expenses of the legislative fiscal office shall be paid from funds appropriated to the use of the legislature, provided the total amount so expended shall not exceed \$75,000 for each of the fiscal years ending September 30, 1972 and September 30, 1973.

5. If the Resolution proposed by S. J. R. 7 of the current session is adopted by both Houses, then the fiscal offices hereinabove provided for shall not be established, but the members of the continuing legislative committee established pursuant to item 3 above shall serve as the representatives of the Senate on the continuing joint legislative committee established by said S. J. R. 7.

6. If the House of Representatives by house resolution establishes a continuing House fiscal committee and fiscal office then such House committee and fiscal office and the Senate committee and fiscal office hereby established shall meet together and, in effect, serve as a joint committee.

Which was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING

Mr. Dominick offered the following Notice in Writing, to-wit:

"NOTICE IN WRITING"

"Notice is hereby given that on the next legislative day a motion will be made to amend Joint Rule 10 by inserting in the third (3rd) sentence thereof the words 'or special' immediately after the word 'regular' where it appears."

Which was read and ordered spread upon the Journal.

RESOLUTION

Messrs. King, Branyon, Noonan, Vacca, Jones, Horne, Littleton, Hammond, Dominick, Pierce, Gilmore, Wilder, Register, Cook, Bailes, Cooper, Shelby, Pelham, Lybrand, Dozier, Clark, Owen, Foshee, Fine, Harris, Carr, Givhan and Malone offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. WHEREAS, two of our outstanding state institutions of higher learning, Alabama and Auburn, have had highly successful football seasons, each coming to their annual confrontation for the first time in their long and rich history of competition with unblemished records against formidable opponents; and

WHEREAS, as a result of the established football national leadership of each, recognition has been given them by their selection to play in major post season games, the Orange and Sugar Bowls, respectively; and

WHEREAS, all the people of Alabama have great personal pride in the splendid records of accomplishment of each team; and

WHEREAS, it is realized that such successes could not be achieved without unusual dedication, desire, enthusiasm, hard work and zeal, all essential ingredients to success in later life,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,

THAT, personal congratulations and commendations are extended to each coach and player of the University of Alabama and Auburn University for their individual and collective successes during the 1971 football season.

BE IT FURTHER RESOLVED that best wishes are extended to each team as they prepare mentally and physically to engage the University of Nebraska and the University of Oklahoma, respectively, on New Years Day, 1972.

BE IT FURTHER RESOLVED that the Secretary of the Senate is requested to send to each coach and player of each such higher learning institution a copy of this Resolution.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

ADJOURNMENT

At 3:45 P. M., on motion of Mr. Pelham, the Senate adjourned until Wednesday, December 1, 1971, at 4 o'clock P. M.

SECOND LEGISLATIVE DAY

WEDNESDAY, DECEMBER 1, 1971

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Harold Anderson, Baptist Headquarters, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	Horne	Owen
Bailes	Fine	Jones	Pelham
Branyon	Foshee	King	Pierce
Carr	Gilmore	Littleton	Shelby
Clark	Givhan	Lybrand	Vacca
Cook	Hammond	McLain	Wilder
Dominick	Hawkins	Noonan	Wilson
Dozier			

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JOURNAL

On motion of Mr. Clark, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the

Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Clark, leaves of absence were granted Messrs. Harris, Cooper, Lindsey, O'Bannon, Malone, Weaver and Register for today.

RESOLUTIONS

Messrs. Foshee, Shelby and Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. Resolution requesting Pat Sullivan, Terry Beasley, Johnny Musso, and John Hannah to appear before a Joint Session.

WHEREAS, Alabama can boast of having two of the top football teams in the country, and in addition, two of the most outstanding football coaches to ever direct a football team at any level or in any era; and

WHEREAS, Pat Sullivan, the 1971 Heisman Trophy winner, Terry Beasley, Johnny Musso, and John Hannah, have each made All-America during the past season and have demonstrated outstanding leadership on and off the football field; and

WHEREAS, the Alabama Legislature would like to pay special tribute to these young men, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that on Tuesday, December 7, 1971, Pat Sullivan, Terry Beasley, Johnny Musso and John Hannah, along with Coach Ralph Jordan and Coach Paul Bryant be invited to appear before a Joint Session of the Alabama Legislature in order that we may give proper recognition and acclaim to these outstanding athletes who have brought special recognition to our great state.

BE IT FURTHER RESOLVED that the above outstanding coaches and players be guests of honor on December 7 at a luncheon afterwards.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Coach Ralph Jordan, Coach Paul Bryant, Pat Sullivan, Terry Beasley, Johnny Musso, John Hannah, and to the parents of the outstanding football players.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Lybrand, Bailes, Branyon, Carr, Clark, Cook, Cooper, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Givhan, Hammond, Harris, Hawkins, Horne, Jones, King, Littleton, McLain, Malone, Noonan, O'Bannon, Owen, Pelham, Pierce, Register, Shelby, Vacca, Weaver, Wilder, Wilson offered the following Senate Resolution, to-wit:

S. R. 11. WHEREAS, Our friend and colleague, Pat Lindsey, has been temporarily grounded and is enjoying the hospitality of Rush Foundation Hospital in Meridian, Mississippi; and

WHEREAS, The deliberations of this body are hindered by his absence: now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA That we do heartily wish for Senator Lindsey a speedy recovery from his illness, and a restful convalescence, so that in due time he may assist this body in its current dilemma.

BE IT FURTHER RESOLVED That a copy of this resolution be forwarded to Senator Lindsey.

On motion of Mr. Lybrand, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. McLain:

S. 83. To amend Act No. 74, Acts of Alabama, Special Session 1961 approved September 15, 1961, which provides for a Judicial Conference for the State of Alabama; to prescribe the membership thereof, their duties and terms of office.

Committee on Rules.

By Mr. McLain:

S. 84. To amend further Code of Alabama 1940, Title 30, Section 21, relating to persons on jury rolls.

Committee on Rules.

By Mr. McLain:

S. 85. To amend Code of Alabama 1940, Title 26, Section 337, to make provisions thereof applicable to all employees.

Committee on Rules.

By Mr. Lybrand:

S. 86. To amend Section 7 of Act No. 606, S. 112, Regular Session, 1969, an Act to create the office of Supernumerary Probate Judge in the various counties of Alabama; prescribing the qualifications, term, duties, powers, authority, compensation or salary of such judge, and providing for the payment of the compensation or salary of any county Supernumerary Probate Judge.

Committee on Rules.

By Messrs. Hawkins and Bailes:

S. 87. Proposing an amendment to the Constitution of 1901 relative to the power to levy ad valorem or property tax.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Vacca:

S. 88. To exempt from all state, county and municipal sales and use taxes all medicines prescribed by a physician for persons 65 years of age or older; to provide acceptable means of proof of age for the purposes of this Act; to provide a penalty for the filing of any false proof of age; and to repeal all laws which are in conflict with this Act and especially Act Number 2128, Acts of Alabama 1971, Regular Session, approved September 20, 1971.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Vacca, Bailes, Hawkins, Gilmore and Dominick:

S. 89. Creating the Birmingham National Geographical Monument Commission for the purpose of promoting, preserving and developing certain areas of scientific and general interest; providing for the manner of appointing members of the commission and to prescribe their terms of office; prescribing the authority, powers and duties of the commission and making an appropriation.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 90. To amend Section 32 of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama so as to make further provisions respecting the use of the proceeds from the taxes levied by the said Act, as amended.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 91. To repeal Section 808 of Title 51, Code of Alabama 1940, as heretofore amended which section appropriates funds out of the proceeds of the income tax.

Committee on Finance and Taxation.

By Mr. Dominick:

S. 92. To amend Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, relating to the registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

Committee on Local Legislation No. 2.

By Mr. Givhan:

S. 93. To amend Section 5 of Act No. 1957, H. 1851, Legislature of 1971, Regular Session, approved September 20, 1971, an Act to provide for the regulation of the custom application of pesticides by aircraft and ground equipment, etc., said Section 5 thereof relating to the bond or liability insurance required by persons engaged in the custom application of pesticides.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Wilder:

S. 94. In relation to the regulation of facilities for child care,

repealing Title 49, sections 62-100, as amended.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Clark:

S. 95. Relating to counties having a population of not less than 22,250 nor more than 23,000, according to the last or any subsequent federal decennial census; providing an expense allowance for the probate judge of such county.

Committee on Local Legislation No. 1.

By Mr. Clark:

S. 96. To amend Act No. 166, H. 232 of the Regular Session of 1955 (Acts of 1955, Regular Session, p. 412), which Act provides for the incorporation of the Alabama Turnpike Authority and authorizes such authority to construct modern express highways and charge tolls for the use thereof, in order to eliminate from such Act the residence requirement relative to members of the authority, also the provision therein for compensation of members of the authority and the limitation on the cost of a preliminary study or studies prior to or during construction of such proposed turnpike projects.

Committee on Finance and Taxation.

By Mr. Clark:

S. 97. To amend Section 4 of Act No. 577, Regular Session, 1967, as amended, an Act regulating the teaching and practice of Cosmetology in any county having a population of less than 600,000, according to the last or any subsequent federal decennial census and creating a State Board of Cosmetology.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Pelham:

S. 98. To make additional appropriation to the Banking Department—Bureau of Loans.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 99. To amend Title 51, Section 15, Code of Alabama 1940, so as to provide a homestead exemption from all state, county and municipal ad valorem taxes not to exceed five thousand dollars in assessed value for state tax purposes and two thousand dollars in assessed value for county and municipal tax purposes nor one hundred eighty acres in area; to amend Title 51, Section 17, Code of Alabama 1940, so as to set the assessment rate of all taxable property within this state at twenty-five percent of its fair and reasonable market value; to amend Title 51, Section 2(m), Code of Alabama 1940 so as to exempt manufactured articles in the hands of the manufacturer for twelve months; to amend Title 51, Section 2(q), Code of Alabama 1940, so as to exempt all household furniture, fixtures and personal effects and to add to Section 2 as subsection (t) the following: "Inventories of goods, wares and merchandise held for sale in a regular course of business in an amount not to exceed ten thousand dollars in assessed value"; to amend Title 51, Section 704, Code of Alabama 1940, providing for the assessment and collection of ad valorem taxes on motor vehicles; to provide for the severability of the provisions of this act; to repeal all laws or parts

of laws in conflict with this act; and to provide when this act shall become effective.

Committee on Finance and Taxation.

By Mr. Edington:

S. 100. Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; further regulating the registration of voters in such counties.

Committee on Local Legislation No. 1.

By Mr. Edington:

S. 101. To make a supplemental appropriation from the Alabama special educational trust fund in the state treasury for the Board of Trustees of the University of South Alabama.

Committee on Finance and Taxation.

By Messrs. Owen, Edington, Noonan, Givhan and Pelham:

S. 102. To provide for a comprehensive land management and use program in flood-prone areas of this state so as to make flood insurance available under the National Flood Insurance Act of 1968; to declare the public need for such program; to define terms; to authorize the county governing body in each county to prescribe criteria for land management and use in such areas, including control measures, subdivision planning requirements, building and health code requirements; to require certain permits prior to commencing construction; and to prescribe penalties for violations.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Wilson, Pelham and Givhan:

S. 103. To make additional appropriations to the Department of Public Safety.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Conservation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Owen, Clark, King, Cooper and Littleton:

S. 68. To authorize the Department of Conservation and Natural Resources to comply with Public Law 91-646, known as the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970.

Mr. Cooper, Chairman of the Standing Committee on Health, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Clark:

S. 65. To amend Section 10 of Act No. 211, Regular Session 1945, approved July 7, 1945, (General Acts of Alabama 1945, p. 330), which

relates to public hospitals, so as to provide an alternative form of selecting the directors of certain public hospital associations.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Littleton, Foshee, Fine and Malone:

S. 37. To provide for the issuance of special license tags to members of the Alabama Jaycees and Citizen's Band Radio Operators.

By Mr. Fine:

S. 4. To amend Section 38, Title 13 of the Code of Alabama, 1940, which places certain responsibilities, duties and functions upon the Chief Justice of the Supreme Court of Alabama; to further set forth additional responsibilities, duties, functions and powers of the said Chief Justice pertaining to Supernumerary Circuit Judges, Circuit Judges, Department of Court Management, the Permanent Study Commission on Alabama's Judicial System, the Supreme Court, The Judicial Conference, and the administration of justice in Alabama; to authorize the Chief Justice to obtain statistics, data and other factual information from court officials; and to authorize the assignment of Circuit Judges to temporary duty with the Appellate Courts.

By Mr. Cooper:

S. 50. To amend Section 5 of Act No. 2307 of 1971 Regular Session relating to coverage of School Bus Drivers, etc., in the Teachers' Retirement System of Alabama.

By Messrs. Pierce, Jones, Harris, Lybrand, Dozier and Wilder:

S. 55. To authorize and direct the State of Alabama Personnel Board to establish tax-deferred annuity and deferred compensation programs for salaried state employees; to provide for voluntary salary reduction contributions by employees; to provide for payroll deductions of the contributions for participating employees; to provide for the adoption of consolidated billing and administrative services by the personnel board; to prohibit any conflict with the provisions of the State of Alabama Employees Retirement System.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute and it was read a second time and placed on the calendar, to-wit:

By Mr. Harris (with substitute):

S. 1. To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 549), as amended by Act No. 594, General Acts of Alabama, 1959, p. 1483, and by Act No. 44, General Acts of Alabama, 1965, Special Sess., p. 64, and by Act No. 323, General Acts of Alabama 1969, Reg. Sess., p. 693, and to appropriate the funds for carrying out the provisions of this act.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned

to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Cook, Pierce, Bailes, King, Wilder, Jones, Fine, Foshee, Gilmore and Lybrand:

S. 26. To provide that members of the Enforcement Division of the Public Service Commission designated in writing by the Public Service Commission shall have the powers of peace officers and deputy sheriffs in this State and may exercise such powers anywhere within the State.

By Mr. Register:

S. 80. To provide for the conviction of an accused and the payment of fines in cases involving violation of the traffic and motor vehicle laws of the State of Alabama and the municipalities thereof upon a written waiver of trial and a written plea of guilty, and without the personal appearance of the accused before the Court having jurisdiction of such case.

By Mr. Shelby:

S. 8. Validating contracts entered into on Sunday either before or after the effective date of the Act, and repealing Section 21, of Title 9, Alabama Code of 1940.

By Mr. Shelby:

S. 9. Abolishing the requirement for the recitation of consideration in deeds and other conveyances of land and validating deeds and other conveyances heretofore executed and not containing such a recitation.

By Mr. Shelby:

S. 10. To give effect to deeds, mortgages and other conveyances of interests in land heretofore executed by a married woman without the joinder of her husband, and to repeal Section 73, of Title 34, of the Alabama Code of 1940, relating to the joinder of the husband in the deed of his wife.

By Mr. Shelby:

S. 11. Giving effect to certain conveyances of land executed in the name of corporations; amending Section 106, of Title 47, of the Alabama Code of 1940, to extend its provisions to all corporations organized for private profit and to create a conclusive presumption as to the power of certain corporate officers; extending the effect of Section 58, of Act Number 414, Alabama Laws, Regular Session, 1959, dealing with the defense of ultra vires, to all corporations organized for private profit and giving retroactive effect to the provisions of this act.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and its was read a second time and placed on the calendar, to-wit:

By Mr. Shelby (with amendment):

S. 12. Forbidding the recording of certain instruments describing land by unrecorded plats and providing a penalty for the making of false recitations as to the unavailability of plats.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Shelby:

S. 13. Forbidding the recording of certain instruments failing to recite the marital status of the grantor and providing a penalty for the making of false recitations as to such status.

By Mr. Shelby:

S. 14. Curing certain defects in instruments affecting title to land recorded either before or after the effective date of this Act.

By Mr. Shelby:

S. 15. Amending Act Number 624, Alabama Laws, Regular Session, 1965, as amended by Act Number 121, Alabama Laws, Regular Session, 1969, providing for the recitation of the draftsman of certain instruments, so as to give such Acts statewide effect.

By Mr. Shelby:

S. 16. Creating a presumption as to the delivery of instruments conveying interests in land, recorded either before or after the passage of this Act.

By Mr. Shelby:

S. 17. Giving the protection afforded an innocent purchaser for value of those receiving quitclaim deeds or similar instruments either before or after the passage of this act.

By Mr. Shelby:

S. 18. To further regulate the creation, exercise and termination of powers of attorney and to validate the exercise of certain powers of attorney now of record.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Shelby (with amendment):

S. 19. Limiting the Duration of Contracts for the Sale of Land and Limiting the Notice of Contracts for the Sale of Land recorded Either before or After the Effective Date of this Act.

By Mr. Shelby (with amendment):

S. 20. To limit the duration of options to purchase land and the duration of notice of options heretofore or hereafter recorded.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shelby:

S. 21. Amending Sections 66, 67, 69, 70 and 74, of Title 47, of the

Alabama Code of 1940, to provide for the filing of a lis pendens when an application has been made for an order of condemnation of land, or any interest therein.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Harris:

S. 53. To amend Section 2 and to repeal Sections 3, 4, 6, and 7 of Act No. 1912, H. 2045, Regular Session 1971, which act provided salaries and clerical assistance for certain officers of counties having a population of not less than 39,500 nor more than 41,750, and to make the amendment retroactive to October 1, 1971.

By Mr. Harris:

S. 54. To amend Act No. 439, S. 731, Regular Session 1971, approved August 26, 1971, which act provides for the operating expenses of certain county officers, in counties having a population of not less 39,500, nor more than 41,750, by providing said expenses for the circuit clerk in such counties, retroactive to October 1, 1971.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fine (with substitute):

S. 3. Regulating the compensation of court reporters for county or inferior courts having equity jurisdiction in all counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carr:

S. 5. To amend Section 35 of Act No. 30, approved May 31, 1963, relating to The Official Court Reporter For the County Court of Marshall County, Alabama.

By Mr. Shelby:

S. 7. To repeal Section 10, and to amend Sections 2, 4, 9, 11, 12 and 16, of Act No. 1286, H. 1694, Regular Session 1971, approved September 17, 1971, which Act established a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000, by revising the methods of budgeting and financing of said office.

By Mr. Malone:

S. 23. To authorize county solid waste and park and recreation authorities in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial

census to pay to the county health officer or his administrative assistant a monthly expense allowance.

By Mr. Littleton:

S. 36. Relating to counties having a population of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

By Mr. Wilder:

S. 38. To amend the title and Section 1 of Act No. 148, H. 203, Special Session 1967 (Acts 1967, p. 197), which Act provides for an expense allowance for the district attorney of all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

By Mr. Wilder:

S. 39. To amend the title and Section 1 of Act No. 146, H. 185, Special Session 1967 (Acts 1967, p. 146), which Act provides for an expense allowance for each of the circuit judges in all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

By Mr. Foshee:

S. 52. To amend further Section 1 of Act No. 122, H. 91, Special Session 1965 (Acts 1965, p. 175), as last amended, which provides expense allowances for the chairman or presiding judge and members of the governing body of certain counties having a population of not less than 13,000 nor more than 13,250.

By Mr. Dozier:

S. 57. To regulate further the excusing of persons from jury service in the Twelfth Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

By Mr. Dozier:

S. 58. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Twelfth Judicial Circuit of Alabama.

By Messrs. Noonan and Pelham:

S. 60. To Amend Section 4 of Title 12 of the Code of Alabama of 1940, As Amended by an Act of the Legislature entitled, "To Amend Section 4 of Title 12 of the 1940 Code of Alabama," approved on September 19, 1949, and an Act of the Legislature entitled, "To Amend Title 12, Section 4, Code of Alabama, 1940, as amended pertaining

to reports and remittances by tax collectors", approved September 23, 1959, to authorize depositories for county health funds.

By Mr. Owen:

S. 69. Relating to counties having populations of not less than 57,000 nor more than 61,000; to require the county commission in any such county to provide not less than 12 deputy sheriffs, and require one chief and two deputy jailors, and to prescribe the compensation of such deputies and jailors.

By Mr. Owen:

S. 70. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the tax collector of such counties.

By Mr. Owen:

S. 71. To provide an expense allowance for the clerk of the juvenile court of any county having a population of not less than 57,000 nor more than 61,000, according to the last or any subsequent federal decennial census, where the clerk of the circuit court also serves as clerk of the juvenile court.

By Mr. Owen:

S. 72. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the tax assessor of such counties.

By Mr. Owen:

S. 73. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the Judge of Probate of such counties.

By Mr. Register:

S. 74. Relating to counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance to the coroner of said counties in the amount of \$75.00 per month.

By Mr. Register (with notice and proof):

S. 75. To provide for the reinstatement of certain persons holding permanent appointments in the classified service of the City of Dothan after having left such classified service to serve as heads of a department of government of such city or county with all their former status and rights pertaining thereto.

Mr. Horne, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Horne (with amendment):

S. 40. Relating to certain schools and/or courses of instruction publicized, sold, offered for sale and/or administered to residents of this State; prescribing certain requirements relative to the opera-

tion of schools and solicitation of students; providing exceptions for the application of this act; providing for the issuance of permits by the Alabama State Department of Education; authorizing the Alabama State Board of Education to adopt rules and regulations for the administration and enforcement of this act and to establish an advisory committee to assist in its functions; providing for appeals from decisions of the Alabama State Department of Education and providing penalties for violations.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Noonan and Pelham (with substitute):

S. 59. To authorize the county governing bodies in counties having a population of not less than 300,000, according to the last or any future federal census, to enter into contracts and agreements with the United States of America, the State of Alabama and other counties for the purpose of acquiring funds and facilities for public use.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Bailes, Gilmore, King and Cook:

S. 35. To amend Section 1 of Act No. 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 so as to increase the membership of the County Pardon and Parole Board in all counties having a population of 600,000 or more according to the last or any subsequent decennial census.

By Mr. Dominick:

S. 27. To amend Section 2, 3, 4, 5 and 6 of Act No. 2271 of the 1971 Regular Session of the Legislature of Alabama which Act relates to the powers of counties having populations of 600,000 or more according to the most recent federal decennial census; authorizing the governing bodies of such counties to adopt ordinances which protect the historic architectural character of the county, including designating historic districts, creating certain agencies to promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Securities Commission.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

December 1, 1971

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following person as a member of the Alabama Securities Commission:

Sam I. Diamond, Montgomery; Re-appointment—For the term expiring October 31, 1975.

As this appointment must be confirmed by your body, I herewith transmit it to you for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

December 1, 1971

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment on the Alabama Securities Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Educational Television Commission.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

December 1, 1971

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following person as member of the Alabama Educational Television Commission:

T. T. Martin, Mobile; From the First District, replacing James R. Swedenburg (deceased), for the term expiring June 25, 1973.

As this appointment must be confirmed by your body, I herewith transmit this to you for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

December 1, 1971

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment on the Alabama Educational Television Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Air Pollution Control Commission.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

December 1, 1971

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

Under the provisions of Act No. 769, Regular Session of the 1971 Legislature, approved September 3, 1971, I have appointed the following as members of the Air Pollution Control Commission:

Larry Weems, Birmingham; For the term expiring October 1, 1973.

Dr. Grady Cox, Auburn; For the term expiring October 1, 1974.

Dean Arthur Weeks, Birmingham; For the term expiring October 1, 1974.

Mrs. Camile Wright Cook, Tuscaloosa; For the term expiring October 1, 1972.

Dr. Ben Branscomb, Birmingham; For the term expiring October 1, 1975.

Mr. Leslie Adams, Florence; For the term expiring October 1, 1973.

The above appointments are submitted for confirmation or for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

December 1, 1971

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments on the Air Pollution Control Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gloor, Adams, Adwell, Agee, Baker, Bank, Barkett, Bassett, Benton, Boles, Boutwell, Bowers, Brassell, Burgess, Callahan, Carnes, Carter, Casey, Cauthen, Chesnut, Collins, Connell, Coshatt, Cottingham, Crawford, Cross, Crowe, Culver, Dill, Doss, Downing, Drake, Easters, Edwards, Ellis, Erdreich, Falkenburg, Fite, Flipppo, Gafford, Goodwin, Grainger, Gray (F), Grey (D), Hale, Hardin, Harris, Headley, Hearn, Hill, Hobbie, Jackson, Jones (E), Jones (F), King, Kinsey, Lang, Lutz, Lyons, McBride, McCluskey, McCorquodale, McDonald, Manley, Mathews, May, Meeks, Merrill, Mims, Naramore, Nettles, O'Daniel, Owens, Parker (H), Parker (T), Perloff, Pruitt, Reed (T), Reid (R), Reynolds, Roberts, Robertson, St. John, Slate, Smith (K), Smith (P), Snell, Stewart, Stokes, Straiton, Stubbs, Taylor, Therrell, Timmons, Turner, Turnham, Waggoner, Waldrop, Wallace, Warren, Weeks, Williams, Wise, Wood and Wynot:

H. J. R. 21. CONGRATULATING REPRESENTATIVE BENNETT LEE (BEN) CHERNER UPON THE RECENT BIRTH OF HIS DAUGHTER

WHEREAS the wife of Rep. Bennett Lee (Ben) Cherner, Barbara, recently presented him with a baby girl, born November 29, 1971 at 9:04 p. m., which baby weighs 7 pounds, 1 ounce and shall be named Rebecca Michelle; and

WHEREAS this is Rep. Cherner's most recent noble achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature would like to take the opportunity to congratulate our esteemed colleague Ben Cherner upon the birth of his daughter.

BE IT FURTHER RESOLVED, That we wish this young lady a long and prosperous life, and a future which will reflect credit upon her fine parents.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Barbara Cherner.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 21, set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Jones (F), Ellis, Wallace, Dill, Robertson, Timmons, Waggoner and Hobbie:

H. J. R. 8. WHEREAS, Terry Paul Beasley is the best pass receiver the Southeastern Conference has ever had, and has brought national recognition to the great State of Alabama for his skill on the gridiron; and

WHEREAS, Terry Paul Beasley, who hails from Robert E. Lee High School in Montgomery, and is presently a senior at Auburn University majoring in Physical Education, used his slippery moves, quick hands and blazing speed to lead the Southeastern Conference in scoring in 1970; to finish 15th in the nation in pass receiving with 52 catches for 1,051 yards; to gain an average of 20.2 yards per catch which was the best in the nation; to catch 11 touchdown passes and run one touchdown on a 34 yard end-around against Florida; to be named to the Football News All American team for 1970; to catch 55 passes in 1971 and score 12 touchdowns while gaining 846 yards with double and triple coverage on him most of the time; Terry's receptions set a Southeastern Conference career record for most yards receiving with 2,508 yards which placed him eighth nationally for all-time; to also make most career touchdown receptions with 29 which is 3rd all-time nationally; Terry has been named to several All American teams in 1971; and

WHEREAS, "Sullivan to Beasley" has become college footballs best known battery in 1971, and Terry the receiver, exemplified true sportsmanship and real character, both on the football field and off the field, to the delight of all "War Eagles"; and

WHEREAS, The Legislature wishes to congratulate and honor Terry Paul Beasley; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Beasley is hereby congratulated for a brilliant career at Auburn University on behalf of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 8, set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Bank, Robertson, Culver, Parker (T), Hearn, Mathews, Drake and Harris:

H. J. R. 4. CONGRATULATING THE UNIVERSITY OF ALABAMA FOOTBALL TEAM, COACH PAUL "BEAR" BRYANT AND HIS ASSISTANT COACHES FOR THEIR OUTSTANDING FOOTBALL SEASON.

Also:

By Messrs. Ellis, Robertson, Bank, Cauthen, Waggoner, Drake, Adwell, Culver, Weeks, Doss, Erdreich, Falkenburg, Parker (H), Wallace,

Dill, Jones (F), Boles, Gafford, Cherner, Meeks, Parker (T) and Timmons:

H. J. R. 6. COMMENDING JOHNNY MUSSO.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 4 and 6, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again severally read and, on motion of Mr. Fine, the Rules were suspended and the Resolutions were adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Ellis, Turnham, Waggoner, Cauthen, Robertson, Drake, Adwell, Culver, Weeks, Doss, Erdreich, Falkenburg, Parker (H), Wallace, Dill, Jones (F), Boles, Gafford, Cherner, Meeks, Parker (T) and Timmons:

H. J. R. 7. COMMENDING PATRICK JOSEPH SULLIVAN.

Also:

By Messrs. Weeks, Lyons, Waggoner, Adwell and Robertson:

H. J. R. 9. Commending the Civitan Clubs of Alabama on Their Promotion of Alabama Clergy Week.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 7 and 9, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again severally read and, on motion of Mr. Fine, the Rules were suspended and the Resolutions were adopted by the Senate.

RESOLUTION

Mr. Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. APPLYING TO THE CONGRESS FOR A CONVENTION TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That said Legislature, hereby and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

ARTICLE

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin.

BE IT FURTHER RESOLVED, That this application by the Legislature of the State of Alabama constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1974, this application for a state application shall no longer be of any force or effect; and

BE IT FURTHER RESOLVED, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the Legislature of the State of Alabama interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and

BE IT FURTHER RESOLVED, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from this State and to each House of each State Legislature in the United States.

Which was read and referred to the Standing Committee on Rules.

Mr. Dozier offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. CREATING THE JOINT INTERIM COMMITTEE ON AGRICULTURE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That there shall be a joint interim committee on agriculture to meet on call of its chairman during the interim between the date of passage of this resolution, and the first legislative day of the 1975 regular legislative session, which shall make a study of the condition of agriculture in the state, hold hearings, inquire into ways and means of improving agriculture, agricultural marketing, and business and industry based on agriculture in the state, and report its findings, conclusions, and recommendations to the Governor and to each house of the legislature at the 1975 regular session, and to any intervening regular or special session.

The committee shall consist of five (5) members from the House Committee on Agriculture to be appointed by the Speaker of the House, and five (5) members of the Senate Committee on Agriculture to be appointed by the President of the Senate. The chairman of the House Committee on Agriculture shall also be a member and shall be chairman of the interim committee and the chairman of the Senate Committee on Agriculture shall also be a member and shall be vice-chairman of the interim committee.

The chairman of the committee, with the approval of the vice-chairman, shall set the schedule and program for committee work, and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work.

The total expenditures of the committee in any fiscal year shall not exceed five thousand dollars (\$5,000.00), inclusive of per diem legislative pay.

Which was read and referred to the Standing Committee on Rules.

Messrs. Shelby, Fine, Gilmore, Hammond, Harris, Foshee, Pelham, Vacca, Edington, Givhan, Littleton, Horne, Hawkins, Clark, Branyon, Lybrand, Jones, Bailes, Pierce, Wilson, McLain, Weaver, Carr, Noonan, Dominick, Lindsey, O'Bannon, Owen, Malone, Cooper and King offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. PROCLAIMING FRIDAY, DECEMBER 3, 1971, AS JOHNNY MUSSO DAY

WHEREAS Johnny Musso, alias the Italian Stallion, is completing a brilliant season and career as a halfback for the University of Alabama football team; and

WHEREAS Johnny Musso, showing fantastic running ability has established numerous Southeastern Conference records during his career, including averaging 4.8 yards a carry for three seasons, a new record for 500 carries or more; his terrific endurance by carrying the ball 574 times in 30 games, an average of 19.1 rushes per game; amassing a yardage per game average of 91.4 yards; became the Conference rushing champion for the second year in a row by rushing for 1,088 yards and 16 touchdowns and by gaining a total of 2,741 yards in his career; and

WHEREAS Johnny Musso through his gritty determination and abundant rushing ability has been voted as the co-holder of the Southeastern Conference Player of the Year in the Nashville Banner's 38th annual poll of SEC coaches; and

WHEREAS Johnny Musso has been selected as a consensus member of the All Southeastern Conference and All American offensive teams for the season of 1971; and

WHEREAS Johnny Musso has brought national attention to his home State of Alabama through his feats on the football field; and

WHEREAS Johnny Musso has carried on the fabulous tradition that is so much a part of the University of Alabama football team; and

WHEREAS Johnny Musso has further demonstrated his all-around ability by maintaining an "A" average in the classroom majoring in pre-Law. This achievement earned him the distinction of being selected as a member of the Academic All-American Team; and

WHEREAS Johnny Musso has carried himself with the poise and leadership that is so much a part of a young southern gentleman's heritage; and

WHEREAS this fine young athlete is entitled to proper recognition from his appreciative home State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature, with the approval of the Governor, does set aside Friday, December 3, 1971 as "Johnny Musso Day" in honor of this outstanding young athlete-scholar.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Johnny Musso.

On motion of Mr. Shelby, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. King, Fine, Dominick, Lybrand, Hawkins, Givhan, Dozier, Gilmore, Vacca, Bailes, Branyon, Jones, Foshee, Owen, Littleton, Hammond, Shelby, Pierce, Noonan, Pelham and Clark offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. WHEREAS, our own Livingston University at Livingston, Alabama, and Arkansas Tech, Russellville, Arkansas, have by virtue of attaining distinctive success in their respective football seasons in 1971, been selected by the National Association of Inter-Collegiate Athletics to play in its championship game on Saturday, December 11, 1971; and

WHEREAS, the City of Birmingham has been honored in that Legion Field has been selected as the site for the championship game of smaller universities of our Nation; and

WHEREAS, the people of Alabama are proud of the football accomplishments of Livingston University this year; and

WHEREAS, the people of the City of Birmingham, and, indeed, all of Alabama, look forward to hosting these two fine football teams,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,

THAT, personal congratulations and commendations are extended to each coach and player of both Livingston University and Arkansas Tech for their individual and collective successes during the 1971 football season.

BE IT FURTHER RESOLVED that the president of each of these outstanding institutions be assured that Birmingham and Alabama look forward with pleasure to hosting this event of significance to our State and Nation.

BE IT FURTHER RESOLVED that the Secretary of the Senate send to the president of each such institution of higher learning a copy of this Resolution.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

NOTICE IN WRITING

Mr. Dominick offered the following Notice in Writing, to-wit:

"NOTICE IN WRITING"

"Notice is hereby given that a motion will be made on the next Legislative Day to amend the Senate Rules by striking Senate Rule 18 in its entirety and substituting the following:

"Rule 18. A quorum must be present at all times when the Senate is in session, including the times when a question is under debate; and the chair may at any time on his own motion and shall on the suggestion of any Senator instruct the Secretary to ascertain whether or not there is a quorum present. If there is a less number than a quorum of the Senate present those present may send for absent Senators as authorized in Rule 34 or may adjourn as authorized in Rule 1. A suggestion from a Senator for a quorum check shall be in order at all times.

"The committee on rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if two-thirds of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate."

Which was read and ordered spread upon the Journal.

MOTION IN WRITING

Mr. Dominick offered the following Motion in Writing, to-wit:

"MOTION IN WRITING"

"Motion in writing is hereby made to amend Joint Rule 10, relating to 'prefiling', by inserting in the third (3rd) sentence thereof the words 'or special' immediately after the word 'regular' where it appears."

Which was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 5 o'clock P. M., on motion of Mr. Pelham, the Senate adjourned until Thursday, December 2, 1971, at 12 o'clock Noon.

THIRD LEGISLATIVE DAY

THURSDAY, DECEMBER 2, 1971

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Senator L. D. Owen, Jr., Senator from the Twenty-fifth Senatorial District.

ROLL CALL

Present:

Messrs.:	Edington	King	Pelham
Bailes	Fine	Littleton	Pierce
Branyon	Foshee	Lybrand	Register
Carr	Gilmore	McLain	Shelby
Clark	Givhan	Malone	Vacca
Cook	Hammond	Noonan	Weaver
Cooper	Hawkins	O'Bannon	Wilder
Dominick	Horne	Owen	Wilson
Dozier	Jones		

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JOURNAL

On motion of Mr. Pelham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Pelham, leaves of absence were granted Messrs. Harris and Lindsey for today.

REPORTS OF COMMITTEES

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Wilson, Pelham and Givhan:

S. 103. To make additional appropriations to the Department of Public Safety.

By Mr. Clark:

S. 96. To amend Act No. 166, H. 232 of the Regular Session of 1955 (Acts of 1955, Regular Session, p. 412), which Act provides for the incorporation of the Alabama Turnpike Authority and authorizes such authority to construct modern express highways and charge tolls for the use thereof, in order to eliminate from such Act the residence requirement relative to members of the authority, also the provision therein for compensation of members of the authority and the limitation on the cost of a preliminary study or studies prior to or during construction of such proposed turnpike projects.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 88. To exempt from all state, county and municipal sales and use taxes all medicines prescribed by a physician for persons 65 years of age or older; to provide acceptable means of proof of age for the purposes of this Act; to provide a penalty for the filing of any false proof of age; and to repeal all laws which are in conflict with this Act and especially Act Number 2128, Acts of Alabama 1971, Regular

Session, approved September 20, 1971.

By Mr. Wilder:

S. 94. In relation to the regulation of facilities for child care, repealing Title 49, sections 62-100, as amended.

By Messrs. Owen, Edington, Noonan, Givhan and Pelham:

S. 102. To provide for a comprehensive land management and use program in flood-prone areas of this state so as to make flood insurance available under the National Flood Insurance Act of 1968; to declare the public need for such program; to define terms; to authorize the county governing body in each county to prescribe criteria for land management and use in such areas, including control measures, subdivision planning requirements, building and health code requirements; to require certain permits prior to commencing construction; and to prescribe penalties for violations.

RESOLUTIONS

Mr. Fine offered the following Senate Resolution, to-wit:

S. R. 16. CREATING A SENATE JUDICIAL COMMITTEE

BE IT RESOLVED by the Senate that a Special Committee, composed of six (6) Senators, known as the "Judicial Committee" is hereby established to be appointed by the President of the Senate. Said Committee shall have such duties as may be specified by the President of the Senate, but shall not be considered a Standing Committee and shall not receive bills or resolutions.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Hammond offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. CREATION OF A HIGHWAY POLICY AND PLANNING COMMISSION

WHEREAS, the Joint Interim Study Committee on Highway Financing has recommended the creation of a Highway Policy and Planning Commission to establish a long-range financing program for federal, state, city and county highways; and

WHEREAS, such a commission will serve the best interests of the people of Alabama in studying conditions, future needs, and present and projected sources of revenue for an expanded highway program; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Highway Policy and Planning Commission is hereby established, consisting of five Senators to be appointed by the Lieutenant Governor and five Representatives to be appointed by the Speaker of the House, the Lieutenant Governor, who shall be chairman of said commission, the Director of Finance, the Highway Director and the Speaker of the House. Said Commission shall meet at the call of the chairman. Seven members shall constitute a quorum. The first meeting shall be held within 30 days after the enactment of this resolution, at which time a secretary shall be employed by the Commission.

BE IT FURTHER RESOLVED, That the Commission shall prepare and submit an annual report to be submitted to the Governor and the Legislature on or before the first day of February of each year hereafter.

BE IT FURTHER RESOLVED, That the members of the Highway Policy and Planning Commission shall serve without pay, but shall receive their regular legislative per diem and expense allowance for each day spent in the performance of their duties, provided that said commission shall not meet more than ten (10) calendar days in any one calendar year.

Which was read and referred to the Standing Committee on Rules.

Mr. Horne offered the following Senate Resolution, to-wit:

S. R. 18. WHEREAS, there exists a mutual respect between the military and the people of Alabama; and

WHEREAS, the military at Maxwell-Gunter Air Force Bases and other military bases in Alabama have performed many valuable community services including the recent airlift of Lanier High School student Otis Armstrong to the burn center at Brooke Army Hospital, San Antonio, Texas, and

WHEREAS, the people of Alabama desire to make every effort to show their respect and appreciation to those from other states now serving our country at military installations in Alabama;

THEREFORE BE IT RESOLVED BY THE SENATE OF ALABAMA that the Alabama Department of Education is hereby encouraged to allow military personnel stationed in Alabama to take the General Education Development (G. E. D.) test regardless of whether or not they are registered voters and without regard as to whether they live on or off a military base.

On motion of Mr. Horne, the Rules were suspended and the Resolution was adopted by the Senate.

NOTICE IN WRITING

Mr. Dominick offered the following Notice in Writing, to-wit:

"NOTICE IN WRITING"

"Notice is hereby given that on the next legislative day a motion will be made to amend Joint Rule 13 to add the following sentence:

"The Secretary or Clerk shall not accept for introduction any bill that does not conform with this or the immediately preceding rule, and, if accepted, such bill shall not be considered in committee until such compliance."

Which was read and ordered spread upon the Journal.

BILLS ON THIRD READING

The Bill:

S. 68. To authorize the Department of Conservation and Natural Resources to comply with Public Law 91-646, known as the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 30; Nays 0.

Yeas:

Messrs.:
Bailes

Branyon
Clark

Cook
Cooper

Dominick
Dozier

Edington	Horne	Noonan	Shelby
Fine	Jones	O'Bannon	Vacca
Foshee	King	Owen	Weaver
Gilmore	Littleton	Pelham	Wilder
Hammond	Lybrand	Pierce	Wilson
Hawkins	McLain	Register	

—30

Nays:

—0

The Bill:

S. 65. To amend Section 10 of Act No. 211, Regular Session 1945, approved July 7, 1945, (General Acts of Alabama 1945, p. 330), which relates to public hospitals, so as to provide an alternative form of selecting the directors of certain public hospital associations.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Pelham
Bailes	Fine	Littleton	Pierce
Branyon	Foshee	Lybrand	Register
Clark	Gilmore	McLain	Vacca
Cook	Hammond	Noonan	Weaver
Cooper	Hawkins	O'Bannon	Wilder
Dozier	Horne	Owen	Wilson

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Nays:

—0

The Bill:

S. 37. To provide for the issuance of special license tags to members of the Alabama Jaycees and Citizen's Band Radio Operators.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Foshee	Lybrand	Pierce
Bailes	Gilmore	Malone	Register
Branyon	Hammond	Noonan	Shelby
Cook	Horne	O'Bannon	Vacca
Cooper	King	Owen	Weaver
Edington	Littleton	Pelham	Wilder
Fine			

—24

Nays:

—0

The Bill:

S. 4. To amend Section 38, Title 13 of the Code of Alabama, 1940, which places certain responsibilities, duties and functions upon the Chief Justice of the Supreme Court of Alabama; to further set forth additional responsibilities, duties, functions and powers of the said Chief Justice pertaining to Supernumerary Circuit Judges, Circuit Judges, Department of Court Management, the Permanent Study Commission on Alabama's Judicial System, the Supreme Court, The Judicial Conference, and the administration of justice in Alabama; to authorize the Chief Justice to obtain statistics, data and other factual information from

court officials; and to authorize the assignment of Circuit Judges to temporary duty with the Appellate Courts.

was taken up.

Mr. Dominick raised the point of order that the Bill, S. B. 4, did not comply with the provisions of Joint Rule 13, whereupon Mr. Fine offered the following amendment to the Bill, S. B. 4, to-wit:

AMENDMENT TO S. B. 4

Amend S. B. 4 by adding at the top of page 1 the following:

Synopsis.

This Bill amends Section 38, Title 13 of Code of Alabama, 1940, which places certain responsibilities, duties and functions upon the Chief Justice of the Supreme Court of Alabama.

Mr. Dominick moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted.

Yeas 23; Nays 2.

Yeas:

Messrs.:	Edington	Lybrand	Pierce
Bailes	Fine	McLain	Register
Branyon	Foshee	Noonan	Shelby
Clark	Hammond	O'Bannon	Vacca
Cook	Horne	Owen	Weaver
Cooper	Littleton	Pelham	Wilder

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Nays: Messrs. Dominick, King

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And said Bill, S. B. 4, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pierce
Bailes	Foshee	Lybrand	Register
Cook	Hammond	Noonan	Shelby
Cooper	Horne	O'Bannon	Vacca
Dominick	Jones	Owen	Weaver
Edington	King	Pelham	Wilder

—23

Nays:

—0

The Bill:

S. 50. To amend Section 5 of Act No. 2307 of 1971 Regular Session relating to coverage of School Bus Drivers, etc., in the Teachers' Retirement System of Alabama.

was taken up.

Mr. Cooper offered the following substitute for the Bill, S. B. 50, to-wit:

SUBSTITUTE FOR S. B. 50

By Mr. Cooper:

SYNOPSIS: This bill relates to school bus drivers covered in the Teachers' Retirement System of Alabama, by changing the effective date from 1972 to 1971.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 5 of Act No. 2307 of 1971 Regular Session relating to coverage of School Bus Drivers, etc., in the Teachers' Retirement System of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 5 of Act No. 2307 of the 1971 Regular Session of the Legislature is hereby amended to read as follows:

"Section 5. This Act shall become effective October 2, 1971."

Section 2. This Act shall become effective immediately upon passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Fine	King	Pierce	
Bailes	Foshee	Littleton	Register	
Branyon	Hammond	Lybrand	Shelby	
Clark	Horne	Noonan	Vacca	
Cooper	Jones	Pelham	Wilder	
Edington				—20

Nays: —0

And said Bill, S. B. 50, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Owen	
Bailes	Edington	King	Pelham	
Branyon	Fine	Littleton	Pierce	
Clark	Foshee	Lybrand	Register	
Cook	Hammond	McLain	Vacca	
Cooper	Horne	Noonan	Wilder	
				—23

Nays: —0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor relative

to appointments on the Water Improvement Commission.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

December 2, 1971

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

Under the provisions of Act. No. 1260, Regular Session of the 1971 Legislature, approved September 22, 1971, I have appointed the following as members of the Water Improvement Commission:

Dr. Robert Bucher, Mobile; For the term expiring December 1, 1974.

Mr. Louis Grabensteder, Huntsville; For the term expiring December 1, 1974.

Mr. Henry Leslie, Montgomery; For the term expiring December 1, 1975.

Mr. Robert T. Wright, Guntersville; For the term expiring December 1, 1973.

Mr. Marvin O. Berglin, Fairhope; For the term expiring December 1, 1973.

The above appointments are submitted for confirmation or for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

December 2, 1971

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments on the Water Improvement Commission, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 55. To authorize and direct the State of Alabama Personnel Board to establish tax-deferred annuity and deferred compensation programs for salaried state employees; to provide for voluntary salary reduction contributions by employees; to provide for payroll deductions of the contributions for participating employees; to provide for the adoption of consolidated billing and administrative services by the personnel board; to prohibit any conflict with the provisions of the State of Alabama Employees Retirement System.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	King	Owen	
Bailes	Edington	Littleton	Pelham	
Branyon	Fine	Lybrand	Pierce	
Clark	Foshee	McLain	Shelby	
Cook	Hammond	Malone	Vacca	
Cooper	Hawkins	Noonan	Wilder	
Dominick	Jones			—25

Nays: —0

The Bill:

S. 26. To provide that members of the Enforcement Division of the Public Service Commission designated in writing by the Public Service Commission shall have the powers of peace officers and deputy sheriffs in this State and may exercise such powers anywhere within the State.

was read a third time at length and lost for failure to receive the required Constitutional majority.

Yeas 14; Nays 10.

Yeas:

Messrs.:	Edington	Lybrand	Register	
Bailes	Hawkins	McLain	Shelby	
Cook	Jones	Malone	Vacca	
Dominick	King	Pierce		—14

Nays:

Messrs.:	Cooper	Littleton	Pelham	
Branyon	Dozier	Noonan	Wilder	
Clark	Hammond	Owen		—10

The Bill:

S. 3. Regulating the compensation of court reporters for county or inferior courts having equity jurisdiction in all counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 3, to-wit:

SUBSTITUTE FOR S. B. 3

**A BILL
TO BE ENTITLED
AN ACT**

To amend the title and Section 1 of Act No. 120, H. 109, Special Session 1969 (Acts 1969, p. 190), which Act regulates the compensation of court reporters in certain counties classified according to population.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 120, H. 109, Special Session 1969 (Acts 1969, p. 190), is hereby amended to read as follows:

“An Act Regulating the compensation of court reporters for county

or inferior courts having equity jurisdiction in all counties having populations of not less than 16,600 nor more than 16,950, according to the most recent federal decennial census."

Section 2. Section 1 of said Act No. 120, H. 109, is hereby amended to read as follows:

"Section 1. In all counties having populations of not less than 16,600 nor more than 16,950, according to the most recent federal decennial census, if equity jurisdiction concurrent with the circuit court has been conferred on a county or inferior court therein, the court reporter for such county or inferior court shall receive a salary of \$100 per month payable in equal installments out of the county treasury on the certificate of the judge of such court. In addition thereto he shall also receive the same rate of compensation for transcribing the testimony or other proceedings before such county or inferior court as is provided by law for the official court reporter in the circuit courts and \$10 for each day or fractional part thereof when he is engaged in taking testimony or other proceedings of the county or inferior court, plus 10¢ per mile for each mile travelled in going to and returning from the place of holding court. The compensation above prescribed shall be the total compensation received by such court reporters."

Section 3. This Act shall become effective September 1, 1971.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McLain	Register	
Clark	Givhan	Malone	Shelby	
Cook	Hammond	Noonan	Vacca	
Cooper	Hawkins	O'Bannon	Weaver	
Dominick	Horne	Owen	Wilder	
Dozier	Jones	Pierce	Wilson	
Fine	King			—25

Nays:

—0

And said Bill, S. B. 3, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McLain	Register	
Clark	Givhan	Malone	Shelby	
Cook	Hammond	Noonan	Vacca	
Cooper	Hawkins	O'Bannon	Weaver	
Dominick	Horne	Owen	Wilder	
Dozier	Jones	Pierce	Wilson	
Fine	Lybrand			—25

Nays:

—0

The Bill:

S. 5. To amend Section 35 of Act No. 30, approved May 31, 1963, relating to The Official Court Reporter For the County Court of Marshall County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Owen
Bailes	Givhan	Lybrand	Pelham
Carr	Hammond	McLain	Pierce
Cook	Hawkins	Malone	Register
Cooper	Horne	Noonan	Shelby
Dominick	Jones	O'Bannon	Vacca
Dozier	King		

—25

Nays:

—0

The Bill:

S. 7. To repeal Section 10, and to amend Sections 2, 4, 9, 11, 12 and 16, of Act No. 1286, H. 1694, Regular Session 1971, approved September 17, 1971, which Act established a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000, by revising the methods of budgeting and financing of said office.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Owen
Bailes	Foshee	King	Pelham
Branyon	Gilmore	Littleton	Pierce
Carr	Givhan	Lybrand	Shelby
Clark	Hammond	McLain	Wilder
Cook	Hawkins	Malone	Wilson
Cooper	Horne		

—25

Nays:

—0

The Bill:

S. 23. To authorize county solid waste and park and recreation authorities in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census to pay to the county health officer or his administrative assistant a monthly expense allowance.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	King	Pelham
Clark	Gilmore	Littleton	Pierce
Cook	Givhan	Lybrand	Vacca
Cooper	Hammond	Malone	Weaver
Dominick	Hawkins	O'Bannon	Wilder
Dozier	Horne	Owen	Wilson
Edington	Jones		

—25

Nays:

—0

The Bill:

S. 36. Relating to counties having a population of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham
Bailes	Foshee	McLain	Pierce
Branyon	Gilmore	Malone	Register
Carr	Hawkins	Noonan	Shelby
Clark	Horne	O'Bannon	Vacca
Dozier	Jones	Owen	Weaver
Edington	King		

25

Nays:

—0

The Bill:

S. 38. To amend the title and Section 1 of Act No. 148, H. 203, Special Session 1967 (Acts 1967, p. 197), which Act provides for an expense allowance for the district attorney of all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pelham
Bailes	Foshee	McLain	Pierce
Cook	Gilmore	Malone	Register
Cooper	Givhan	Noonan	Shelby
Dominick	Hammond	O'Bannon	Vacca
Dozier	Jones	Owen	Wilder
Edington	King		

—25

Nays:

—0

The Bill:

S. 39. To amend the title and Section 1 of Act No. 146, H. 185, Special Session 1967 (Acts 1967, p. 146), which Act provides for an expense allowance for each of the circuit judges in all judicial circuits in this state composed of three counties with two circuit judges and

located in certain counties classified on a population basis; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Noonan
Bailes	Foshee	King	Pelham
Branyon	Gilmore	Littleton	Pierce
Carr	Givhan	Lybrand	Register
Clark	Hammond	McLain	Shelby
Cook	Hawkins	Malone	Wilder
Cooper	Horne		

—25

Nays:

—0

The Bill:

S. 52. To amend further Section 1 of Act No. 122, H. 91, Special Session 1965 (Acts 1965, p. 175), as last amended, which provides expense allowances for the chairman or presiding judge and members of the governing body of certain counties having a population of not less than 13,000 nor more than 13,250.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pierce
Bailes	Givhan	Lybrand	Register
Branyon	Hammond	Noonan	Shelby
Carr	Hawkins	O'Bannon	Vacca
Dominick	Horne	Owen	Wilder
Dozier	Jones	Pelham	Wilson
Edington	King		

—25

Nays:

—0

The Bill:

S. 60. To Amend Section 4 of Title 12 of the Code of Alabama of 1940, As Amended by an Act of the Legislature entitled, "To Amend Section 4 of Title 12 of the 1940 Code of Alabama," approved on September 19, 1949, and an Act of the Legislature entitled, "To Amend Title 12, Section 4, Code of Alabama, 1940, as amended pertaining to reports and remittances by tax collectors", approved September 23, 1959, to authorize depositories for county health funds.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Dozier	Littleton	Pierce
Bailes	Edington	Lybrand	Register
Branyon	Foshee	Noonan	Shelby
Carr	Horne	O'Bannon	Vacca
Clark	Jones	Owen	Wilder
Cooper	King	Pelham	

—22

Nays:

—0

The Bill:

S. 57. To regulate further the excusing of persons from jury service in the Twelfth Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Malone	
Bailes	Fine	Jones	Pelham	
Branyon	Foshee	King	Pierce	
Carr	Gilmore	Littleton	Register	
Clark	Givhan	Lybrand	Shelby	
Cook	Hammond	McLain	Vacca	
Cooper	Hawkins			—25

Nays:

—0

The Bill:

S. 58. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Twelfth Judicial Circuit of Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Owen	
Bailes	Fine	Lybrand	Shelby	
Branyon	Foshee	McLain	Vacca	
Carr	Gilmore	Malone	Weaver	
Clark	Givhan	Noonan	Wilder	
Cook	Hammond	O'Bannon	Wilson	
Cooper	Horne			—25

Nays:

—0

The Bill:

S. 69. Relating to counties having populations of not less than 57,000 nor more than 61,000; to require the county commission in any such county to provide not less than 12 deputy sheriffs, and require one chief and two deputy jailors, and to prescribe the compensation of such deputies and jailors.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Hammond	King
Clark	Dozier	Hawkins	Littleton
Cook	Edington	Horne	Lybrand
Cooper	Givhan	Jones	McLain

Malone	Pierce	Vacca	Wilder	
Noonan	Register	Weaver	Wilson	
Owen	Shelby			—25
Nays:				—0

The Bill:

S. 70. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the tax collector of such counties.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Register	
Bailes	Foshee	Lybrand	Shelby	
Branyon	Gilmore	McLain	Vacca	
Carr	Givhan	Malone	Weaver	
Dominick	Horne	Noonan	Wilder	
Dozier	Jones	Owen	Wilson	
Edington	King			—25
Nays:				—0

The Bill:

S. 71. To provide an expense allowance for the clerk of the juvenile court of any county having a population of not less than 57,000 nor more than 61,000, according to the last or any subsequent federal decennial census, where the clerk of the circuit court also serves as clerk of the juvenile court.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Register	
Bailes	Foshee	Lybrand	Shelby	
Branyon	Gilmore	McLain	Vacca	
Carr	Givhan	Malone	Weaver	
Clark	Hammond	Noonan	Wilder	
Cook	Jones	Owen	Wilson	
Cooper	King			—25
Nays:				—0

The Bill:

S. 72. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the tax assessor of such counties.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Noonan	
Bailes	Foshee	King	Owen	
Branyon	Gilmore	Littleton	Pierce	
Carr	Givhan	Lybrand	Register	
Clark	Hammond	McLain	Shelby	
Dozier	Hawkins	Malone	Vacca	
Edington	Horne			—25

Nays: —0

The Bill:

S. 73. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the Judge of Probate of such counties.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Register	
Carr	Givhan	Lybrand	Shelby	
Clark	Hammond	McLain	Vacca	
Cook	Hawkins	Malone	Weaver	
Cooper	Horne	Noonan	Wilder	
Dominick	Jones	Owen	Wilson	
Dozier	King			—25

Nays: —0

The Bill:

S. 74. Relating to counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance to the coroner of said counties in the amount of \$75.00 per month.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Pelham	
Bailes	Fine	King	Register	
Branyon	Foshee	Lybrand	Vacca	
Carr	Gilmore	McLain	Weaver	
Clark	Givhan	O'Bannon	Wilder	
Cook	Hammond	Owen	Wilson	
Cooper	Horne			—25

Nays: —0

The Bill:

S. 75. To provide for the reinstatement of certain persons holding permanent appointments in the classified service of the City of Dothan after having left such classified service to serve as heads of a department of government of such city or county with all their former status and rights pertaining thereto.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham
Carr	Fine	McLain	Register
Clark	Foshee	Malone	Vacca
Cook	Gilmore	Noonan	Weaver
Cooper	Hawkins	O'Bannon	Wilder
Dominick	Horne	Owen	Wilson
Dozier	Jones		

—25

Nays:

—0

The Bill:

S. 40. Relating to certain schools and/or courses of instruction publicized, sold, offered for sale and/or administered to residents of this State; prescribing certain requirements relative to the operation of schools and solicitation of students; providing exceptions for the application of this act; providing for the issuance of permits by the Alabama State Department of Education; authorizing the Alabama State Board of Education to adopt rules and regulations for the administration and enforcement of this act and to establish an advisory committee to assist in its functions; providing for appeals from decisions of the Alabama State Department of Education and providing penalties for violations.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 40, to-wit:

AMENDMENT TO S. B. 40

Add to Section 4 of the bill the following subsection:

Section 4. (subsection) "(i) Any resident private school that is accredited by a nationally recognized accrediting agency approved by the United States Office of Education. Provided nevertheless that such resident private school exempted by this subsection shall pay to the Alabama State Department of Education all fees and comply with all bond requirements as set forth in Section 6 of this Act and provided further that upon proof of such accreditation and payment of fees and compliance of the bond requirements in Section 6, the Alabama State Department of Education shall issue a license and permit to such school as set forth in this Act, and, provided further that upon such exempted private school complying with the provisions of Section 7 hereof, by paying the fees and complying with the bond requirements in said Section, the Alabama State Board of Education shall issue a license to such agent as set forth in this Act.

(j) Schools which have been in continuous operation within the state for a period of twenty years or more."

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Branyon	Clark	Edington
Bailes	Carr	Dozier	Horne

Jones	Malone	Pelham	Shelby	
King	Noonan	Pierce	Vacca	
Littleton	O'Bannon	Register	Wilder	
Lybrand	Owen			—21

Nays: —0

And said Bill, S. B. 40, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Dozier	Lybrand	Pierce	
Bailes	Edington	Malone	Register	
Branyon	Horne	Noonan	Vacca	
Carr	Jones	O'Bannon	Weaver	
Clark	King	Owen	Wilder	
Cooper	Littleton	Pelham		—22

Nays: —0

The Bill:

S. 59. To authorize the county governing bodies in counties having a population of not less than 300,000, according to the last or any future federal census, to enter into contracts and agreements with the United States of America, the State of Alabama and other counties for the purpose of acquiring funds and facilities for public use.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, S. B. 59, to-wit:

SUBSTITUTE FOR S. 59

A BILL TO BE ENTITLED AN ACT

To authorize the county governing bodies in counties having a population of not less than 300,000 nor more than 500,000, according to the last or any future federal census, to enter into contracts and agreements with the United States of America, the State of Alabama and other counties for the purpose of acquiring funds and facilities for public use.

Be It Enacted by the Legislature of Alabama:

Section I. This act shall apply in each county having a population of not less than 300,000, nor more than 500,000, according to the most recent federal decennial census, or any future federal census.

Section II. The county governing body of said counties as provided for in Section I of this act, in addition to all other powers and authority is hereby authorized and empowered to enter into contracts, leases, compacts or any other form of agreement with the United States of America or any of its agencies, departments, bureaus, divisions or institutions, with the State of Alabama or any of its agencies, departments, bureaus, divisions or institutions, and with any other county within or without the State for the purpose of receiving or acquiring funds, matching funds, services, materials, supplies, buildings, structures,

water-ways and docking facilities, and any and all other benefits deemed for the public interest in the promotion of industrial, agricultural, educational, cultural, recreational or any other beneficial public development.

Section III. Terms and conditions—Such contracts, leases, compacts or other forms of agreement may contain such covenants and conditions as considered reasonable and necessary and for public use only, including but not limited to, contributions by the county either in funds or materials, supplies, machinery, services, labor, rights-of-way, easements, buildings, terminals and related facilities for water-way improvements and expansion: and may contain such other provisions of maintenance, indemnification and utility facilities as may be required by the contracting agencies to provide a useful and feasible development for use by the public.

Section IV. That all laws and parts of laws, general, special, private or local, in conflict with or inconsistent with the provisions of this act be, and the same are hereby expressly repealed.

Section V. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the part or parts which remain.

Section VI. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Owen	
Bailes	Foshee	King	Pelham	
Clark	Gilmore	Littleton	Vacca	
Cook	Givhan	Lybrand	Weaver	
Cooper	Hammond	McLain	Wilder	
Dominick	Hawkins	Noonan	Wilson	
Edington	Horne			—25

Nays:

—0

And said Bill, S. B. 59, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Messrs.:	Fine	Jones	Owen	
Bailes	Foshee	King	Pelham	
Clark	Gilmore	Littleton	Vacca	
Cook	Givhan	Lybrand	Weaver	
Cooper	Hammond	McLain	Wilder	
Dominick	Hawkins	Noonan	Wilson	
Edington	Horne			—25

Nays:

—0

The Bill:

S. 35. To amend Section 1 of Act No. 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 so as to increase the membership of the County Pardon and Parole Board in all

counties having a population of 600,000 or more according to the last or any subsequent decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lybrand	Pelham
Bailes	Givhan	McLain	Pierce
Carr	Hammond	Malone	Register
Cook	Hawkins	Noonan	Vacca
Dominick	Jones	O'Bannon	Wilder
Edington	King	Owen	Wilson
Fine	Littleton		

—25

Nays:

—0

The Bill:

S. 27. To amend Section 2, 3, 4, 5 and 6 of Act No. 2271 of the 1971 Regular Session of the Legislature of Alabama which Act relates to the powers of counties having populations of 600,000 or more according to the most recent federal decennial census; authorizing the governing bodies of such counties to adopt ordinances which protect the historic architectural character of the county, including designating historic districts, creating certain agencies to promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Owen
Bailes	Gilmore	Lybrand	Pelham
Carr	Hammond	McLain	Pierce
Clark	Hawkins	Malone	Register
Cook	Horne	Noonan	Shelby
Dominick	Jones	O'Bannon	Vacca
Edington	King		

—25

Nays:

—0

RESOLUTION

Mr. Pelham offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. BE IT RESOLVED by the Legislature, both Houses thereof concurring, That when the Senate and House adjourn today they adjourn to meet again on Tuesday, December 7, 1971.

On motion of Mr. Pelham, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gloor:

H. J. R. 35. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, THAT when the two Houses adjourn today, they adjourn to meet again on Tuesday, December 7, 1971.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pelham, the Rules were suspended and the Resolution, H. J. R. 35, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 10. Relative to requesting Pat Sullivan, Terry Beasley, Johnny Musso, and John Hannah to appear before a Joint Session.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 4. Congratulating the University of Alabama Football Team, Coach Paul "Bear" Bryant and his assistant coaches for their outstanding football season.

Also:

H. J. R. 6. Commending Johnny Musso.

Also:

H. J. R. 7. Commending Patrick Joseph Sullivan.

Also:

H. J. R. 8. Commending Terry Paul Beasley.

Also:

H. J. R. 9. Commending the Civitan Clubs of Alabama on their promotion of Alabama Clergy Week.

Also:

H. J. R. 21. Congratulating Representative Bennett Lee (Ben) Cherner upon the recent birth of his daughter.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. Appointing a Committee from the House and Senate to notify the Governor that the Legislature is now in session and ready for the transaction of business.

Also:

H. J. R. 3. Relative to a joint session of the House and Senate for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

Also:

H. J. R. 19. Relative to providing two stenographers for the Health Study Commission created under the provisions of S. J. R. 70, Act No. 2226, Regular Session 1971.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 19. Relative to the Senate and House adjourning today to meet again on Tuesday, December 7, 1971.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hardin, Edwards and Bassett:

H. 9. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Second Judicial Circuit of Alabama.

Also:

By Messrs. Hardin, Edwards and Bassett:

H. 10. To regulate further the excusing of persons from jury service in the Second Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Also:

By Messrs. Hardin, Edwards and Bassett:

H. 11. Relating to judicial procedure in the Second Judicial Circuit; regulating and providing further for the separation of the jury by consent in capital or non-capital felony cases in such circuit.

Also:

By Messrs. Hardin, Edwards and Bassett:

H. 12. Relating to the method of giving notice of the requirement of attendance of Jury service in the Second Judicial Circuit of Alabama.

Also:

By Messrs. Goodwin and Reynolds:

H. 20. To apply only to counties having a population of not less than 49,000, nor more than 52,000; to fix the salary and allowances of the coroner in such counties; to provide for salary and allowances when said coroner is called upon to serve as sheriff, and to provide for a referendum.

Also:

By Mr. Barkett:

H. 21. To fix the compensation of the sheriffs of all counties having populations of not less than 52,500 nor more than 54,000, according to the most recent federal decennial census; and to repeal conflicting laws.

Also:

By Messrs. O'Daniel and Headley:

H. 47. To amend the title and Section 1 of Act No. 148, H. 203, Special Session 1967 (Acts 1967, p. 197), which Act provides for an expense allowance for the district attorney of all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

Also:

By Messrs. O'Daniel and Headley:

H. 48. To amend the title and Section 1 of Act No. 146, H. 185, Special Session 1967 (Acts 1967, p. 146), which Act provides for an expense allowance for each of the circuit judges in all judicial circuits in this state composed of three counties with two circuit judges and

located in certain counties classified on a population basis; and to repeal conflicting laws.

Also:

By Mr. O'Daniel:

H. 55. Relating to all counties having a population of not less than 30,000 nor more than 33,575; to provide further for the expenditure of pistol permit fees by the sheriff of such counties; to make the provisions of this act retroactive.

Also:

By Mr. Coshatt:

H. 72. Relating to St. Clair County; providing for the reorganization of the government of the county; abolishing the Court of County Commissioners and creating in lieu thereof the St. Clair County Commission and designating its members; providing for the manner in which their successors shall be elected and prescribing their qualifications, terms and compensation; providing for the organization and jurisdiction of the commission and the powers and duties of its members; providing for the employment of a county engineer pursuant to Act No. 1728, H. 2522, Regular Session 1971; repealing conflicting laws; providing for effective date of this act.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF ST. CLAIR**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to St. Clair County; providing for the reorganization of the government of the county; abolishing the Court of County Commissioners and creating in lieu thereof the St. Clair County Commission and designating its members; providing for the manner in which their successors shall be elected and prescribing their qualifications, terms and compensation; providing for the organization and jurisdiction of the commission and the powers and duties of its members; providing for the employment of a county engineer pursuant to Act No. 1728, H. 2522, Regular Session 1971; repealing conflicting laws; providing for effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established the St. Clair County Commission, hereinafter referred to as the commission, which commission shall be the governing body of St. Clair County, and which shall have and exercise all of the powers, duties, limitations, and responsibilities, and in the same manner, and its members subject to all penal provisions of the general laws of Alabama, now in effect, or hereinafter enacted, governing county commissions and like county governing bodies, and the members thereof, but only insofar as they are consistent with the provisions of this act.

Section 2. The commission herein created shall be known as the

"St. Clair County Commission," and shall take the place of the present Court of County Commissioners of St. Clair County which shall cease to exist upon the enactment of this act, and is hereby abolished, and the judge of probate shall cease to be a member and ex officio chairman of the county governing body.

Section 3. The commission herein created shall consist of a chairman, and four associate members, who shall each and severally be chosen and possess the qualifications as hereinafter set out.

Section 4. The chairman of said commission, who shall qualify and assume his duties hereunder, immediately upon this act becoming law, shall be appointed by the Governor, and he shall hold office until the first Monday after the second Tuesday in January, 1975, and he shall receive for his services, payable out of the county treasury, the sum of \$15,000 dollars per year, in equal monthly installments. The chairman shall also be authorized the same mileage allowance authorized the other members of the commission with the same limitations imposed therein, however, said chairman may be reimbursed for any reasonable and necessary expenses incurred in the performance of his official duties in behalf of St. Clair County. At the general election immediately prior to the expiration date of the term of office of the chairman as hereinabove specified, and every four years thereafter, his successor shall be elected by the qualified voters of the entire county, and the term of office of the chairman so elected shall be for four years, beginning on the first Monday after the second Tuesday in January, following his said election and until his successor has been elected and qualified. The chairman of said commission shall be a resident of good moral character and a qualified elector of St. Clair County and shall reside in said county continuously during the term of his office. The chairman of the commission herein created shall have and exercise all of the powers, duties, limitations, and responsibilities, with relation to the commission herein created as does the probate judge with relation to the courts of county commissioners, boards of revenue and other like county governing bodies, under the general laws of this State, except insofar as such powers, duties, limitations and responsibilities may be inconsistent with the provisions of this act. The chairman of the commission shall serve as purchasing agent for all purchases made by the commission.

Section 5. For the purposes of this act, and for future election of associate members of the commission, there is designated and herein created four places on the St. Clair County Commission to be numbered one to four inclusive.

Section 6. The incumbent associate members of the present Court of County Commissioners shall be automatically appointed to membership on the County Commission herein created. Associate member Gene Bell shall serve in Place One; associate member Reuben Tucker shall serve in Place two; associate member J. B. Walters shall serve in Place Three and associate member James Ingram shall serve in Place four. Each of the associate members herein named shall hold office until the first Monday after the second Tuesday in January 1975.

Section 7. The several associate members of the commission herein created shall receive compensation for their services the sum of fifteen dollars per day, each, not to exceed twenty six days per month, while occupied in the discharge of their duties. This compensation is in lieu of any existing per diem compensation but is in addition to the mileage and expense heretofore provided for, specifically that provided for in Act 1728, H. 2522, approved September 20, 1971. It is the intent of this act to authorize the payment of any of the hereinabove compensation or expenses for any member of the commission to be payable out of any funds of the county available for such purposes and not otherwise appropriated including the gasoline tax revenues; provided

that such payment is not in conflict with the general laws of this state governing the expenditures of such gasoline tax revenues.

Section 8. At the general election immediately prior to the expiration date of the term of office of each of the associate members as they are hereinabove named, and every four years thereafter, their successors shall be elected by the qualified voters of the entire county, and the term of office of each associate member so elected shall be for four years, beginning on the first Monday after the second Tuesday in January, following his said election, and until his successor has been elected and qualified.

Section 9. Each associate member of said commission shall be nominated by the qualified electors of the entire county. Associate members elected to place one and place two shall be a qualified elector and resident of the Northern Judicial Division of St. Clair County and shall reside in said division continuously during the term of his office. The associate members elected to place three and place four shall be a qualified elector and resident of the Southern Judicial Division of St. Clair County and shall reside in said division continuously during the term of his office.

Section 10. Should any vacancy occur on the commission, such vacancy shall be promptly filled by appointment of the Governor, and the person so appointed shall hold office for the remainder of the term of the place which is vacant.

Section 11. Each member of the commission herein created shall, before entering upon the duties of his office, execute a good and sufficient bond, in the same amount; with the same conditions, which must be approved in the same manner, and must qualify in the same manner in all respects, except insofar as the same may be inconsistent with the provisions of this act, as is provided under the general laws of the State of Alabama for the members of the courts of county commissioners, boards of revenue or other like county governing bodies.

Section 12. The commission herein created shall hold regular meetings on the second Tuesday in each month, in the courthouse at Ashville and on the fourth Tuesday of each month in the courthouse at Pell City. The commission may also meet upon the call of the chairman or upon the request of any three of its members. The clerk of the County Commission shall advise, by proper notice, all members of the commission of the time, place, and substantial purpose of any such called special meetings.

Section 13. Action in the name of and under the authority of the commission may be taken by a majority of said commission, present and voting at any regular or special meeting, provided that, at least a quorum is in attendance. A quorum shall consist of the chairman and two other members, or three members other than the chairman. The chairman may vote on all matters properly coming before the commission, and may also offer and second motions on all matters properly coming before the commission.

Section 14. The commission shall employ a clerk, who shall devote his entire time to the duties of his office, and he shall receive such compensation for his services as may be determined and fixed by the commission, and the commission may employ such other clerical help and assistants as may be deemed necessary for the proper, efficient and economical operation of the office of said commission. The clerk shall enter the minutes of all proceedings of the commission in a well bound book provided him for the purpose, which book shall be kept in the office of the commission, and shall be open to the inspection of the public

at all reasonable hours. The minutes of the proceedings of the commission shall be entered and recorded in the minute book within five days from the adjournment of every regular or special meeting. The clerk shall present to the commission at each regular meeting a list of all claims which have been filed against the county. He shall, also, keep a complete record of all receipts and disbursements of all county funds, and must be prepared at all times to show the exact financial condition of the count. The clerk of the commission shall also serve as county treasurer.

Section 15. The commission shall, pursuant to Act. No. 1728, H. 5222, approved September 20, 1971, employ a county engineer and proceed to carry out the provisions of said act.

Section 16. All laws and parts of laws in conflict with act are hereby repealed.

Section 17. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert D. Cornett, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of the St. Clair Observer, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on October 27, November 3, November 10, and November 17, all in the year 1971.

ROBERT D. CORNETT.

Sworn to and subscribed before me November 17, 1971.

ANNE T. MILAM,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 9, 10, 11, 12, 20, 21, 47, 48, 55 and 72. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Messrs. Gafford, Timmons, Cherner, Parker (H), Dill, Wallace, Boles, Meeks, Falkenburg, Erdreich, Doss, Waggoner, Bowers, Boutwell, Adwell, Jones (E), Weeks, Gloor and McBride:

H. 23. To apply in all counties of this State having a population of 500,000 or more, according to the last or any succeeding federal census; to provide that any judge or judges who are members of any county retirement system and who may become supernumerary judge or judges pursuant to law, shall, upon becoming supernumerary, be considered as retired fully and shall be entitled to the earned benefits as provided for retired members of any county retirement system to which they belong, and to provide that all contributions into such county retirement system by such member shall be refundable in accordance with the provisions of any such county retirement system.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 23. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Bassett, Easters and Hardin:

H. 109. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Twelfth Judicial Circuit of Alabama.

Also:

By Messrs. Bassett, Easters and Hardin:

H. 110. To regulate further the excusing of persons from jury service in the Twelfth Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Also:

By Messrs. Slate and Cauthen:

H. 114. To apply only to counties having a population of not less than 75,000, nor more than 90,000; fixing the salary of Deputy Sheriffs in such counties.

Also:

By Messrs. Timmons, Meeks, Weeks, Adwell, Bowers, Falkenburg, Doss, Ellis, Parker (H), Erdreich, Boutwell, Wallace, Dill, Boles, Gafford, Gloor, Waggoner, Cherner, Jones (E) and McBride:

H. 22. To amend Section 1 of Act No. 206 (House 537) of the

Regular Session of the Legislature of Alabama of 1971 so as to increase the membership of the County Pardon and Parole Board in all counties having a population of 600,000 or more according to the last or any subsequent decennial census.

Also:

By Messrs. Parker (H), Timmons, Dill, Wallace, Doss, Erdreich, Falkenburg, Gloor, Weeks, Ellis and Bowers:

H. 24. Authorizing any municipality of the State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census to declare noxious or dangerous weeds growing upon private property within such municipalities to be a public nuisance, and creating a lien upon the property where such nuisance exists for the cost of abating the same.

Also:

By Messrs. Parker (H), Erdreich, Adwell, Timmons, Boles, McBride, Doss, Falkenburg, Wallace, Dill, Gafford, Ellis, Gloor, Cherner, Jones (E), Boutwell, Weeks and Bowers:

H. 26. To amend further Section 4 of Act No. 547, Regular Session, 1965, relating to the establishment of a civic center in the municipality wherein there is located the county seat of any county of the State having a population of more than 500,000, approved August 20, 1965.

Also:

By Messrs. Gloor, Doss, Erdreich, Parker (H), Falkenburg and Ellis:

H. 52. To authorize any city having a population of 300,000 or more according to the last or any succeeding federal decennial census to become a lessee under a lease or contract of lease respecting any building or buildings located or to be located in the city suitable as a community or meeting house, an auditorium, an arena, a convention hall, or a place of recreation, for a term not to exceed thirty years, from the State, the county in which any such city is located, or certain public corporations, to provide the terms and conditions of any such lease or contract, to provide that any such city may be joint lessee with such county or with any other municipality in such county and that the obligations of any such city may be individual and separate or joint and several, to provide that the obligations of any such city under any such lease or contract may be a general obligation secured by its full faith and credit and by such other pledge or assignment of its tax proceeds or revenues as may be agreed upon, or that such obligation may be a limited obligation, to provide for the inclusion of the obligations of any such city under any such lease or contract in the budget of such city and that any such city shall pay over rent and its other financial obligations due thereunder without further act by its governing body, to provide the circumstances under which any such contract or lease shall not be repealed, revoked, altered or amended, to provide for the severability of the provisions of this act, and to exempt any such contract or lease from all taxation and all other provisions of law with respect thereto.

Also:

By Messrs. Erdreich, Doss, Falkenburg, Gafford, Cherner, Wallace, Timmons, Dill, Jones (E), Ellis, Adwell and Weeks:

H. 54. To amend Section 7 of Act No. 993 (H. 1089) enacted at the 1971 regular session of the Legislature of Alabama, applicable to any county having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census, so as to provide for

the appointment by the governing body of the principal municipality in such county of two (2) Directors for the county transit authority provided for by said Act, and to provide for the initial terms of office of such Directors appointed by such principal municipality.

Also:

By Messrs. Jones (E), Gloor, Boles, Wallace, Doss, Cherner and Parker (H):

H. 58. To amend Section 1 of Act No. 462, H. 833, Regular Session 1939 (Local Acts 1939, p. 277), as amended by Act No. 193, H. 556, Regular Session 1965 (Acts 1965, p. 276) (codified at Section 138, Title 62, Code of Alabama 1940, Recompiled 1958), which provides for the maintenance of law libraries in Jefferson County by authorizing the collection of a tax paid as a part of court costs in actions in Jefferson County courts; provides for the maintenance and expense of such funds, and provides for the method of use of such funds, by increasing the tax from ten cents to fifty cents in each civil case filed in certain statutory inferior courts in Jefferson County (other than in the Birmingham Division).

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 462, H. 833, Regular Session 1939 (Local Acts 1939, p. 277), as amended by Act No. 193, H. 556, Regular Session 1965 (Acts 1965, p. 276) (codified at Section 138, Title 62, Code of Alabama 1940, Recompiled 1958), which provides for the maintenance of law libraries in Jefferson County by authorizing the collection of a tax paid as a part of court costs in actions in Jefferson County courts; provides for the maintenance and expense of such funds, and provides for the method of use of such funds, by increasing the tax from ten cents to twenty-five cents in each civil case filed in certain statutory inferior courts in Jefferson County (other than in the Birmingham Division).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 462, H. 833, Regular Session 1939 (Local Acts 1939, p. 277), as amended by Act No. 193, H. 556, Regular Session 1965 (Acts 1965, p. 276) (condified at Section 138, Title 62, Code of Alabama 1940, Recompiled 1958), is amended to read as follows:

"In each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bond given in connection with an appeal from a judgement of conviction in any inferior or municipal court to the circuit court, hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the circuit court of Jefferson County, Alabama, there shall be taxed as costs the sum of one dollar. In each criminal case hereafter filed in any statutory inferior court in Jefferson County, Alabama, there shall be taxed as costs the sum of fifty cents. In each civil case hereafter filed in any statutory inferior court in the Birmingham Division of Jefferson County where the amount claimed in the complaint exceeds one hundred dollars there shall be taxed as costs the sum of twenty-five cents and, where the amount claimed is one hundred dollars and less, there shall be taxed as costs the sum of ten cents. In each civil case hereafter filed in any other stauatory inferior court in Jefferson County (other than those in the Birmingham Division) there shall be taxed as cost the sum of twenty-five cents. The costs taxed

in pursuance of this section shall be collected as other costs in such cases are collected, and when collected by the clerks of such courts (including registers in chancery) shall be by them paid to the treasurer of Jefferson County. The sums paid to the county treasurer by the clerk and deputy register of the circuit court at Bessemer, Alabama, and other clerks of courts in the territorial jurisdiction of the circuit court at Bessemer, or which are collected by clerks in cases while the court is exercising jurisdiction in the territorial jurisdiction of the circuit court at Bessemer shall be kept in a separate fund designated as Jefferson County Law Library Fund (Bessemer), and shall be expended by the senior circuit judge, in point of service, sitting at Bessemer for the maintenance of a law library in the Court House at Bessemer. The sums paid to the county treasurer by the clerk and register of the circuit court at Birmingham and other clerks in the territorial jurisdiction of the circuit court at Birmingham, or collected by clerks in cases while the court is exercising jurisdiction in the territorial jurisdiction of the circuit court at Birmingham shall be kept by the treasurer in another separate fund designated as Jefferson County Law Library Fund (Birmingham), and shall be expended by a circuit judge of the circuit court at Birmingham, selected by the circuit judges of the Birmingham division, for maintaining a law library in the Court House at Birmingham, Said judges shall respectively draw warrants on the treasurer for expenditures by them, indicating on the warrants the fund against which the warrants are drawn. The said items of cost above referred to shall be designated as law library fee, and when any part of the costs in a case have been paid, the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of costs. On or before the tenth day of each month, the clerks of the respective courts (including registers in chancery) shall pay to the county Treasurer all amounts collected for said law library fees previous to the first day of the month. All books or other property purchased with the funds produced by this section shall be the property of Jefferson County. The management of the law library in the court house at Bessemer is vested in the senior circuit judge, in point of service, sitting at Bessemer; and the management of the law library in the court house at Birmingham is vested in a circuit judge of the Birmingham division, to be selected by the circuit judges of the Birmingham division."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: John M. McElroy, Who being duly sworn, says on oath that he is: EDITOR-PUBLISHER of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: October 1, 8, 15, 22, 1971.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52)

consecutive weeks prior to the publication of the foregoing advertisement.

JOHN M. McELROY,
Editor-Publisher.

Subscribed and sworn to before me this the 29th day of November, 1971.

JOHN E. SMITH,
Notary Public.

Also:

By Messrs. Hobbie, Jones (F), Taylor and Straiton:

H. 88. Relating to counties having a population of not less than 150,000 nor more than 180,000; authorizing the judge of probate, or other officer charged with issuing motor vehicle license plates, to issue such tags for use on unmarked law enforcement vehicles without charge.

Also:

By Messrs. Jones (F), Hobbie, Taylor and Straiton:

H. 89. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide that all county and municipal employees in such counties shall observe and be given the same holidays as state employees.

Also:

By Messrs. Crowe and Naramore:

H. 70. To provide for an additional eighteen hundred dollar (\$1,800.00) expense allowance for the county treasurer of counties having a population of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census.

Also:

By Messrs. Crowe and Naramore:

H. 111. To amend Section 3 of Act No. 1958, H. 1874, 1971 Regular Session, approved September 20, 1971, entitled "An Act Relating to counties having populations of not less than 55,000 nor more than 56,500; to create in each of such counties a coliseum authority as a public corporation; for the purpose of providing a coliseum and related structures in such county; to provide for the appointment, term, and qualifications of the members of such authority; to prescribe the powers, duties and functions of said authority, including the power of eminent domain; to provide certain insurance coverage; to authorize the sale and issuance of interest bearing revenue bonds and refunding said bonds; to declare such bonds to be negotiable instruments; to exempt from taxation properties of said authority and the income therefrom, and the bonds and the income therefrom; and to levy a privilege tax on lodgings in each county coming under this act as a means of financing such coliseum and provide for its collection," so as to change the membership of the coliseum authority created by this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 109, 110, 114, 88, 89, 70 and 111. To the Committee on Local Legislation No. 1.

H. B.'s 22, 24, 26, 52, 54 and 58. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 15. Relative to extending congratulations and commendations to each coach and player of both Livingston University and Arkansas Tech for their success during the 1971 football season.

Also:

S. J. R. 5. Relative to congratulating Pat Sullivan on winning the 1971 Heisman Trophy.

Also:

S. J. R. 4. Relative to mourning the death of Mr. James Lebus Casey.

Also:

S. J. R. 9. Relative to congratulations and commendations to each coach and player of the University of Alabama and Auburn University for their success during the 1971 football season.

Also:

S. J. R. 14. Relative to proclaiming Friday, December 3, 1971, as Johnny Musso Day.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCorquodale, Smith (P), Mathews, Cottingham, Edwards, Bassett, Jackson, Turner, Mims, Warren, Agee, Benton, Hobbie, Kinsey, Barkett, Pruitt, Owens, Jones (F), Wise, Smith (K), Stubbs, Headley and Brassell:

H. 56. Proposing an amendment to Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; establishing a classification system of property taxation; fixing assessment rates for each class of property.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message

from the House, was read one time at length as required by the Constitution and referred to appropriate standing committee, as follows:

H. B. 56. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCorquodale, Smith (P), Mathews, Cottingham, Edwards, Bassett, Mims, Jackson, Warren, Agee, Turner, Benton, Hobbie, Kinsey, Barkett, Pruitt, Owens, Wise, Jones (F), Smith (K), Stubbs, Headley and Brassell:

H. 57. To amend Title 51, Section 15, Code of Alabama 1940, so as to provide a homestead exemption from all state and county ad valorem taxes not to exceed two thousand dollars (\$2,000) in assessed value for state tax purposes and one thousand dollars (\$1,000) in assessed value for county tax purposes nor one hundred eighty acres in area; to amend Title 51, Section 17, Code of Alabama 1940, so as to establish a classification system of property taxation and fix assessment rates for each class of property; to amend Title 51, Section 2(m), Code of Alabama 1940, so as to exempt manufactured articles in the hands of the manufacturer for twelve months; to amend Title 51, Section 2 to provide for exemption from ad valorem taxation of farming tools and farm implements, all personal property (other than motor vehicles, trailers and semi-trailers) not used in a trade or business or for the production of income, and stocks of goods, wares and merchandise to the value of thirty thousand dollars; to amend Title 51, Section 704, Code of Alabama 1940, providing for the assessment and collection of ad valorem taxes on motor vehicles; to provide for the severability of the provisions of this act; to repeal all laws or parts of laws in conflict with this act; and to provide when this act shall become effective.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 57. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCorquodale and Smith (P):

H. 60. To designate the department of revenue as the agency to compute the adjustment of county and municipal rates of the ad valorem tax for the purpose of stabilizing such tax at its level before equalization; to provide for collection of tax on new and escaped property and to make this Act effective on adoption of a constitutional

amendment proposed by this session of the legislature providing for the adjustment of county and municipal tax rates.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 60. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCorquodale and Smith (P):

H. 61. To propose an amendment to the Constitution of Alabama for the purpose of protecting individual property owners from possible drastic changes in ad valorem taxation as the result of a state-wide equalization of property assessments; to stabilize the income to the counties and the municipalities from the ad valorem tax; to set a rate of taxation in each county and each municipality which will produce for each such county and each such municipality a total amount from the ad valorem tax which will equal the amount of tax collected as ad valorem tax for the next preceding tax year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time at length as required by the Constitution and referred to appropriate standing committee, as follows:

H. B. 61. To the Committee on Finance and Taxation.

ADJOURNMENT

At 5:55 P. M., on motion of Mr. Pelham, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, December 7, 1971, at 2 o'clock P. M.

FOURTH LEGISLATIVE DAY

TUESDAY, DECEMBER 7, 1971

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Chaplain, Captain, David Kirk, Maxwell Air Force Base, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	Jones	Owen
Bailes	Fine	King	Pelham
Branyon	Foshee	Littleton	Pierce
Carr	Gi'more	Lybrand	Register
Clark	Givhan	McLain	Shelby
Cook	Hammond	Malone	Vacca
Cooper	Harris	Noonan	Wilder
Dominick	Hawkins	O'Bannon	Wilson
Dozier	Horne		

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JOURNAL

On motion of Mr. Clark, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL.

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Clark, leaves of absence were granted Messrs. Lindsey and Weaver for today.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 4. Mourning the death of James Lebus Casey.

Also:

S. J. R. 5. Congratulating Pat Sullivan on his Heisman Trophy Award.

Also:

S. J. R. 9. Congratulating both the University of Alabama and Auburn University for their successes during the 1971 football season.

Also:

S. J. R. 10. Inviting Pat Sullivan, Terry Beasley, Johnny Musso and John Hannah, along with Coach Jordan and Coach Bryant to appear before a joint session of the Legislature.

Also:

S. J. R. 14. Declaring December 3, 1971, "Johnny Musso Day".

Also:

S. J. R. 15. Congratulating both Livingston University and Arkansas Tech for their successes during the 1971 football season.

JAMES S. CLARK,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. McLain:

S. 104. To amend Sections 7 and 14 of Act No. 1981, H. 732, 1971 Regular Session, effective September 30, 1971, entitled: "To establish the Alabama Peace Officers Standards and Training Commission; to prescribe its functions, duties and powers relating to the selection, recruitment and training of law enforcement officers and the work of law enforcement agencies in the State; to prescribe minimum standards for law enforcement officers; to grant to the Commission power to establish standards and issue and promulgate rules and regulations; to make the violation of certain provisions of this Act or the standards, rules and regulations of the Commission a misdemeanor; to establish the Alabama Peace Officers Standards and Training Commission Fund to make biennial appropriations from such Fund to the Commission for the fiscal years 1971-72 and 1972-73; to authorize participation in the program of the Commission by State, county and municipal law enforcement agencies."

Committee on Municipal Government.

By Mr. Wilson:

S. 105. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Fourteenth Judicial Circuit of Alabama.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 106. To repeal Act No. 218, S. 13 of the First Special Session of 1964 (Acts 1964, p. 304) entitled "An Act To provide and providing

that in all counties in Alabama whose population is not less than 100,000 people and not more than 115,000 people according to the 1960 or any subsequent Federal decennial census where probation is now authorized or provided for by law and a person has plead guilty to, or has been adjudged guilty of, crime, Circuit Courts in such Counties shall have and are hereby given the right, power and authority to defer adjudging defendant guilty and imposition of sentence in such cases and may place such person on probation pending imposition of sentence; that when sentence is imposed such Circuit Courts may determine what part of such sentence shall be served and what part of such sentence such person shall be placed on probation and such Circuit Courts may suspend any part of such sentence and place such person on probation for the first part, last part or any intermediate part of such sentence, or upon motion of defendant may set aside such plea of guilty or verdict of guilty and grant a new trial, and further regulating probations and proceedings in Circuit Courts in such Counties."

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 107. To repeal Act No. 5, H. 84 of the Second Special Session of 1971, approved December 1, 1971, entitled "An Act. To provide that in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census, a person is found guilty or plead guilty, courts may, without entering judgment of guilty and with the consent of such person, defer proceedings and place on probation, that may discharge from probation before end of probation period; that at the end of probation period, shall discharge and dismiss such proceeding; that such discharge and dismissal makes it a non-public record; that discharge and dismissal may occur only once to such person; that if under 21 at the time of offense, such person may apply to expunge official records and restore to status occupied prior thereto; and that not guilty of perjury or false statement for failing to reveal such proceedings."

Committee on Local Legislation No. 1.

By Mr. Horne:

S. 108. To prohibit the carrying of a loaded shotgun or loaded rifle in any vehicle used on any state or federal highway or on any street located within an incorporated municipality.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Jones and Pierce:

S. 109. To amend Section 5 of Act No. 2280, S. 478, Regular Session 1971, approved October 1, 1971, which established a county-wide personnel system for all counties having a population of not less than 150,000 nor more than 180,000, by authorizing the granting of either compensatory leave or overtime pay to employees.

Committee on Local Legislation No. 1.

By Mr. Dozier:

S. 110. Delating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census, to provide for an annual expense allowance for the judge of the inferior court of such counties.

Committee on Local Legislation No. 1.

By Mr. Dozier:

S. 111. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide for an annual expense allowance for the deputy district attorney of such counties.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 112. To amend Code of Alabama 1940, Title 11, Section 4, which relates to the time when fees in civil cases are due so as to require the posting of a deposit or giving of other security to guarantee the payment of court costs by the parties when instituting any civil action, suit or proceeding or at the option of such parties, the advance payment of such costs.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Noonan:

S. 113. To further amend Section 13 of Act No. 934 approved September 9, 1961, General Acts of Alabama, 1961, Vol. II, page 1506, as amended, entitled: "An Act, To provide for a program of tax equalization of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census; to more fully define the duty, authority and responsibility of the Tax Assessor of such counties in the matter of equalizing assessments of real property within such counties; to provide for the division of such counties into districts for the purpose of tax assessment records; to require that certain records be kept and maintained on a current basis by the Tax Assessor of such counties; to describe the manner in which such records are to be kept; to provide a time within which the equalization program required herein is to be initially completed; to provide for a continuous program of appraisal of real property within such counties; to provide for the assessments of improvements to real property within such counties; to prescribe penalties for failure to assess, or properly assess, improvements to real property within such counties; to prohibit the remittance of any such penalties except as provided for by this Act; to provide for the publishing of reports of the progress of the carrying out of the provisions of the Act; to provide for a portable set of assessment records for use by appraisers appointed by the Tax Assessor; to define the duties of the Board of Equalization in such counties in the matter of the equalization of assessments of real property, to provide that no outstanding obligations against the proceeds of any tax derived from assessments of real properties in such counties shall be impaired by the provisions of this Act; to provide for appeals of any assessment made by the Tax Assessor or ruling of the Board of Equalization of such counties; to provide for the necessary personnel, supplies, materials, and equipment to carry out the provisions of this Act and to provide the manner in which personnel are to be appointed in such counties; to provide for the severability of the provisions of the Act; to repeal all laws or parts of laws in conflict with the provisions of this Act."

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 114. To amend Section 94 of Title 51, Code of Alabama 1940, as heretofore amended, which relates to the term of service and compensation of members of county boards of equalization.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Noonan:

S. 115. To replace the "Alabama Apartment Ownership Act" with a new statute establishing and regulating CONDOMINIUM developments, as regards definitions; the nature, ownership and rights to possession of condominium units, common elements and limited common elements; the establishment of condominium property and the contents and recordation of declarations and bylaws and the amendment thereof, deeds, mortgages and other instruments relating to units; the administration and management of condominiums; liability, civil actions and service of process by and against the condominium and its unit owners; the ascertainment and charging of expenses for common elements and limited common elements to unit owners; the assessment of taxes and other public charges to unit owners; liens for labor and materials for work on condominium property and individual units; the mortgaging of condominium property and individual units; the termination of the condominium form of ownership; statutory construction; severability of the statute and repeal of the present Alabama Apartment Ownership Act (title 47, Sections 286-313).

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Wilson, Givhan and Branyon:

S. 116. To provide that all former Governors of the State of Alabama upon reaching age sixty (60) shall be entitled to monthly retirement pay out of the General Fund of the State Treasury.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Cooper:

S. 117. To amend Act No. 2, (Second Special Session) 1971. So as to change the appropriation made in Section 2, F (23) (e) thereof.

Committee on Finance and Taxation.

By Mr. Carr:

S. 118. Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most recent Federal Decennial Census; to provide additional compensation for the court reporter of the county court in such counties.

Committee on Local Legislation No. 1.

By Mr. O'Bannon:

S. 119. To provide for a State supplement to the Deputy District Attorney in the Thirty-first Judicial Circuit.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Vacca, Shelby, Fine, Dominick and King:

S. 81. To amend Section 21 of Act No. 987, approved September

12, 1969, so as to provide that the Court of Criminal Appeals shall be composed of five judges who may sit in panels of three so long as three judges concur in the Court's decision; and to appropriate monies to carry out the provisions hereof.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Foshee (with amendment):

S. 51. Relating to any county having a population of not less than 34,000 nor more than 34,800; to abolish the fine and forfeiture fund of such county; to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Clark:

S. 95. Relating to counties having a population of not less than 22,250 nor more than 23,000, according to the last or any subsequent federal decennial census; providing an expense allowance for the probate judge of such county.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edington (with substitute):

S. 100. Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; further regulating the registration of voters in such counties.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hardin, Edwards and Bassett:

H. 10. To regulate further the excusing of persons from jury service in the Second Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

By Messrs. Hardin, Edwards and Bassett:

H. 11. Relating to judicial procedure in the Second Judicial Circuit; regulating and providing further for the separation of the jury by consent in capital or non-capital felony cases in such circuit.

By Messrs. Hardin, Edwards and Bassett:

H. 12. Relating to the method of giving notice of the requirement of attendance of Jury service in the Second Judicial Circuit of Alabama.

By Messrs. Goodwin and Reynolds:

H. 20. To apply only to counties having a population of not less than 49,000, nor more than 52,000; to fix the salary and allowances of the coroner in such counties; to provide for salary and allowances when said coroner is called upon to serve as sheriff, and to provide for a referendum.

By Mr. Barkett:

H. 21. To fix the compensation of the sheriffs of all counties having populations of not less than 52,500 nor more than 54,000, according to the most recent federal decennial census; and to repeal conflicting laws.

By Messrs. O'Daniel and Headley:

H. 47. To amend the title and Section 1 of Act No. 148, H. 203, Special Session 1967 (Acts 1967, p. 197), which Act provides for an expense allowance for the district attorney of all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

By Messrs. O'Daniel and Headley:

H. 48. To amend the title and Section 1 of Act No. 146, H. 185, Special Session 1967 (Acts 1967, p. 146), which Act provides for an expense allowance for each of the circuit judges in all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

By Mr. O'Daniel:

H. 55. Relating to all counties having a population of not less than 30,000 nor more than 33,575; to provide further for the expenditure of pistol permit fees by the sheriff of such counties to make the provisions of this act retroactive.

By Messrs. Bassett, Easters and Hardin:

H. 109. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Twelfth Judicial Circuit of Alabama.

By Messrs. Bassett, Easters and Hardin:

H. 110. To regulate further the excusing of persons from jury service in the Twelfth Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

By Messrs. Jones (F), Hobbie, Taylor and Straiton:

H. 89. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide that all county and municipal employees in such counties shall observe and be given the same holidays as state employees.

By Messrs. Hardin, Edwards and Bassett:

H. 9. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Second Judicial Circuit of Alabama.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Hobbie, Taylor, Straiton and Harris:

H. J. R. 10. MOURNING THE DEATH OF FRED ALLEN.

Also:

By Messrs. Hobbie, Taylor, Straiton and Harris:

H. J. R. 11. MOURNING THE DEATH OF GORDON L. EVATT.

Also:

By Messrs. Hobbie, Taylor, Straiton and Harris:

H. J. R. 12. MOURNING THE DEATH OF HILLIARD ARONOV.

Also:

By Messrs. Hobbie, Taylor, Straiton and Harris:

H. J. R. 13. MOURNING THE DEATH OF JOHN BODDIE.

Also:

By Messrs. Lutz, Grainger and Hearn:

H. J. R. 14. Congratulating Albert McDonald of Madison County upon being named as the Nation's "Cotton Farmer of the Year."

Also:

By Messrs. McCluskey and Smith (P):

H. J. R. 15. MOURNING THE DEATH OF B. HEFLIN HAYNES.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 10, 11, 12, 13, 14 and 15, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again severally read and, on motion of Mr. Clark, the Rules were suspended and the Resolutions were adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Jones (F), Owens, Headley, Stubbs and Boles:

H. J. R. 34. DEMANDING AN APOLOGY OR EQUAL TIME FROM ABC TELEVISION FOR SLIGHTING THE SOUTHERN SPORTSWRITERS AND SPORTSCASTERS FOR THEIR SUPPORT OF PAT SULLIVAN IN THE HEISMAN TROPHY VOTING.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 34, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Horne, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. McCluskey and Smith (P):

H. J. R. 16. MOURNING THE DEATH OF WILLIAM D. WHETSTONE.

Also:

By Messrs. McCluskey and Smith (P):

H. J. R. 17. MOURNING THE DEATH OF JOHN L. OGLETREE, JR.

Also:

By Mr. Headley:

H. J. R. 18. Honoring Minter Carney "Jack" Hayes, a great American, and outstanding Alabamian and Major League Baseball Player.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 16, 17 and 18, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again severally read and, on motion of Mr. Horne, the Rules were suspended and the Resolutions were adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Pruitt and Robertson:

H. J. R. 22. COMMENDING LIVINGSTON STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE HONOR OF PLAYING FOR

THE FOOTBALL CHAMPIONSHIP OF THE NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 22, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Horne, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gloor:

H. J. R. 36. CONGRATULATING PEGGY WALLACE AND ROBERT CRUMPTON

WHEREAS Peggy Wallace, the beautiful, charming and gracious daughter of the chief executive, has been formally "pinned" with the Sigma Nu badge of the handsome, suave and debonaire Robert Crumpton; and

WHEREAS Peggy and Robert have been steady companions for over a year and a half; and

WHEREAS Robert is to be commended by the legislature for his supreme exercise of sound judgment and for making the noble sacrifice of putting in his past all the temptations of worldly pleasures; and

WHEREAS this legislature considers itself composed of lovers— young and old—and has always been an admirer of lovers; and

WHEREAS although Robert is a student at Auburn University he must be commended for making the most out of an otherwise gloomy November 27, 1971; and

WHEREAS this legislature assures Robert of full "spiritual" support in his negotiations with our chief executive; and

WHEREAS this legislature is of the judgment that although Robert is leaving his options open as to the time of his talks with our chief executive and we are sure that at the opportune time Robert will make the right "pitch"; and

WHEREAS this legislature wishes to congratulate Robert and Peggy and to wish their romance a long and happy life; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature extends its congratulations and best wishes to these wonderful young lovers.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Robert and Peggy.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 36, set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Horne, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Robertson, Parker (T), Bank, Culver, Taylor, Lyons and Wallace:

H. J. R. 23. COMMENDING TOM SURLAS FOR WINNING ALL SOUTHEASTERN CONFERENCE HONORS.

Also:

By Messrs. Robertson, Bank, Culver, Parker (T), Taylor, Lyons and Wallace:

H. J. R. 24. COMMENDING JOHN HANNAH FOR WINNING ALL-AMERICAN HONORS.

Also:

By Messrs. Robertson, Bank, Culver, Parker (T), Taylor, Lyons and Wallace:

H. J. R. 25. COMMENDING ROBBIN PARKHOUSE FOR WINNING ALL SOUTHEASTERN CONFERENCE HONORS.

Also:

By Messrs. Robertson, Parker (T), Bank, Culver, Taylor, Lyons and Wallace:

H. J. R. 26. COMMENDING JIMMY GRAMMER FOR WINNING ALL SOUTHEASTERN CONFERENCE HONORS.

Also:

By Messrs. Robertson, Culver, Bank, Taylor, Lyons and Wallace:

H. J. R. 27. COMMENDING JIM KRAPF FOR WINNING ALL-AMERICAN HONORS.

Also:

By Messrs. Robertson, Parker (T), Bank, Culver, Taylor, Lyons and Wallace:

H. J. R. 28. COMMENDING DAVID BAILEY FOR WINNING ALL SOUTHEASTERN CONFERENCE HONORS.

Also:

By Messrs. Robertson, Parker (T), Bank, Culver, Taylor, Lyons and Wallace:

H. J. R. 29. COMMENDING JOHNNY MUSSO FOR WINNING ALL SOUTHEASTERN CONFERENCE HONORS.

Also:

By Messrs. Robertson, Culver, Bank, Parker (T), Taylor, Lyons and Wallace:

H. J. R. 30. COMMENDING JOHNNY MUSSO FOR WINNING ALL-AMERICAN HONORS.

Also:

By Messrs. Robertson, Parker (T), Bank, Culver, Taylor, Lyons and Wallace:

H. J. R. 31. COMMENDING STEVE HIGGENBOTHAM FOR WINNING ALL SOUTHEASTERN CONFERENCE HONORS.

Also:

By Messrs. Robertson, Parker (T), Bank, Culver, Taylor, Lyons and Wallace:

H. J. R. 32. COMMENDING JIM KRAPF FOR WINNING ALL SOUTHEASTERN CONFERENCE HONORS.

Also:

By Messrs. Robertson, Bank, Culver, Parker (T), Taylor, Lyons and Wallace:

H. J. R. 33. COMMENDING TOM SURLAS FOR WINNING ALL-AMERICAN HONORS.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again severally read and, on motion of Mr. Horne, the Rules were suspended and the Resolutions were adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Ellis, Bank, Barkett, Bassett, Boles, Bowers, Carter, Casey, Chesnut, Collins, Connell, Coshatt, Cottingham, Crawford, Dill, Drake, Edwards, Goodwin, Grey (D), Hardin, Harris, Hearn, Hobbie, Jackson, Jones (E), Jones (F), Kinsey, McBride, McCluskey, May, Mims, Nettles, Owens, Reid (R), Smith (K), Smith (P), Straiton, Taylor, Therrell, Timmons, Turner, Waggoner, Wallace, Warren, Williams and Wise:

H. J. R. 37. APPLYING TO THE CONGRESS FOR A CONVENTION TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Also:

By Mr. Callahan:

H. J. R. 40. URGING THE MOBILE COUNTY SCHOOL BOARD AND SUPERINTENDENT OF SCHOOLS TO SUPPORT THE CONSTI-

TUTIONALITY OF ACT NO. 1418 APPROVED SEPTEMBER 23, 1971.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 37 and 40, the titles of which are set out in the foregoing Message from the House, were severally read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Horne offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. TO CREATE A JOINT LEGISLATIVE COMMITTEE TO STUDY AND INVESTIGATE THE ALABAMA PRISON SYSTEM

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

1. There is hereby created and established a joint legislative study committee composed of five members of the Senate, appointed by the President of the Senate, and five members of the House of Representatives appointed by the Speaker of the House, to study and investigate the Alabama prison system. Insofar as possible appointments to such committee shall be made from persons volunteering for service on such committee. The members of the committee shall meet within thirty days after their appointment at a place agreed upon, and shall elect a chairman and vice-chairman from among their number.

2. In conducting its study and investigation the committee shall especially study housing, feeding, clothing, health and disciplinary practices and procedures, and deviations from normal ways of life of prisoners. The committee may also study any other phase of the prison problems which the committee may deem to be pertinent.

3. The committee shall make a final report including its findings, conclusions and recommendations to the next session of the Legislature unless the Legislature is called back into Special Session before the committee has completed its study and investigation and prepared its report, in which event, it shall report to the next regular session of the Legislature. Upon filing its report the committee shall be dissolved.

4. The members of the committee shall receive no compensation for their services, but shall be entitled to receive their regular legislative per diem and allowances for each meeting of the committee actually attended, or when otherwise actually engaged in the business of the committee. Such per diem pay and allowances together with all expenses incurred shall be paid out of any funds appropriated to the use of the legislature upon requisition of the committee chairman, but in no case shall such expenditures exceed the total sum of fifteen hundred dollars (\$1500.00).

Which was read and referred to the Standing Committee on Rules.

Mr. King offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. WHEREAS, today, December 7, 1971, marks the thirtieth year since the shocking attack by the Japanese Empire on Pearl Harbor while emissaries of Japan were purportedly engaged in peace negotiations with the United States; and

WHEREAS, in the words of the President of the United States

at the time, Honorable Franklin Delano Roosevelt, December 7, 1941 is a day that will live in infamy; and

WHEREAS, many of the gallant young men of the State of Alabama and these United States forfeited their lives at Pearl Harbor and thereafter during World War II in this world wide war of survival; and

WHEREAS, it is fitting and proper on this day that the Alabama State Legislature memorialize and pay tribute to those millions of young men who lost their lives in World War II, as well as to the countless families bereaved thereby; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each House of the Alabama State Legislature upon this occasion pause in silent prayer in memory of and tribute to all who gave up their lives for these United States in World War II.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO RECONSIDER

Mr. Wilder moved that the Senate reconsider the vote by which the Bill, S. B. 26, was lost on the last Legislative Day, and the Senate did reconsider said vote.

On motion of Mr. Wilder, the Senate reconsidered the vote by which the Bill, S. B. 26, was ordered to its third reading.

On motion of Mr. Wilder, further consideration of the Bill, S. B. 26, was then postponed until the next Legislative Day.

MOTION IN WRITING

Mr. Dominick offered the following Motion in Writing, to-wit:

"MOTION IN WRITING"

"Notice having been given on the last legislative day, a motion is now made to amend Joint Rule 13 by adding thereto the following sentence:

"The Clerk and Secretary shall not accept for introduction any bill that does not comply with this or the immediately preceeding rule and, in the event such a bill is accepted, it shall, upon request of any member, be returned to committee and held until such time as it fully complies with said rules.'"

Which was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING

Mr. Register offered the following Notice in Writing, to-wit:

"NOTICE IN WRITING"

"Notice is hereby given that on the next legislative day a Motion will be introduced to amend Senate Rule 18 by striking therefrom the words 'two-thirds' in the last sentence and inserting in lieu thereof the words 'three-fifths.'"

Which was read and ordered spread upon the Journal.

RESOLUTION

Mr. Harris offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. COMMENDING THE DECATUR HIGH SCHOOL FOOTBALL TEAM

Resolved that the Legislature of Alabama extends its heartiest congratulations to the Coaches and team members of the Decatur High School football team on its winning the State of Alabama 4-A classification football championship. This victory by the Red Raider football team is an eloquent testimonial to the dedication and hard work of all the coaches and team members.

Resolved further that a copy of this resolution be sent to the Superintendent of the Decatur School System and to the Principal of Decatur High School.

On motion of Mr. Harris, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 1. To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 549), as amended by Act No. 594, General Acts of Alabama, 1959, p. 1483, and by Act No. 44, General Acts of Alabama, 1965, Special Sess., p. 64, and by Act No. 323, General Acts of Alabama 1969, Reg. Sess., p. 693, and to appropriate the funds for carrying out the provisions of this act.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following substitute for the Bill, S. B. 1, to-wit:

SUBSTITUTE FOR S. B. 1

SYNOPSIS

This bill adjusts the salary payable to law clerks appointed by the Chief Justice and the Associate Justices of the Supreme Court.

A BILL

TO BE ENTITLED

AN ACT

To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the Chief Justice and the Associate Justices of the Supreme Court, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 549), as amended by Act No. 594, General Acts of Alabama, 1959, p. 1483, and by Act No. 44, General Acts of Alabama, 1965, Special Sess., p. 64, and by Act No. 323, General Acts of Alabama 1969, Reg. Sess., p. 693, and to appropriate the funds for carrying out the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts of Alabama 1953, Reg. Sess., p. 549), as amended by Act No. 594, General Acts of Alabama 1959, Reg. Sess., p. 1483, and by Act No. 44, General Acts of Alabama 1965, Special Sess., p. 64, and by Act No. 323, General Acts of Alabama 1969, Reg. Sess., p. 693, be, and the same is hereby, further amended to read as follows:

"Section 3. The salary of each such law clerk shall not be in excess of the amount paid under the Merit System classification to Attorney I, step 3, such amount to be fixed by the chief justice or associate justice employing him, and shall be paid in bi-weekly installments out of the general funds of the state as other state employees are paid; provided, however, the total amount to be paid to law clerks for the fiscal year ending September 30, 1972 and the fiscal year ending September 30, 1973 shall not exceed appropriations for the same as is provided in Act No. 2, General Acts of Alabama, 1971, 2nd Special Session."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Fine	Littleton	Pierce
Bailes	Foshee	Lybrand	Register
Clark	Hammond	Noonan	Shelby
Cook	Harris	O'Bannon	Vacca
Cooper	Hawkins	Owen	Wilder
Dozier	Jones	Pelham	Wilson
Edington	King		

—25

Nay: Mr. Branyon

—1

And said Bill, S. B. 1, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 1.

Yeas:

Messrs.:	Fine	King	Pierce
Bailes	Foshee	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cook	Hammond	Malone	Vacca
Cooper	Harris	O'Bannon	Wilder
Dozier	Hawkins	Owen	Wilson
Edington	Jones	Pelham	

—26

Nay: Mr. Branyon

—1

The Bill:

S. 8. Validating contracts entered into on Sunday either before or after the effective date of the Act, and repealing Section 21, of Title 9, Alabama Code of 1940.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Edington	Horne	O'Bannon	
Bailes	Fine	Jones	Owen	
Carr	Foshee	King	Pelham	
Clark	Gilmore	Littleton	Register	
Cooper	Givhan	Lybrand	Shelby	
Dominick	Harris	Malone	Wilder	
Dozier	Hawkins			—25

Nays: Messrs. Branyon, Pierce —2

The Bill:

S. 9. Abolishing the requirement for the recitation of consideration in deeds and other conveyances of land and validating deeds and other conveyances heretofore executed and not containing such a recitation.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dozier	Hawkins	Owen	
Bailes	Edington	Horne	Pelham	
Carr	Fine	Jones	Pierce	
Clark	Foshee	King	Register	
Cook	Givhan	Littleton	Shelby	
Cooper	Hammond	McLain	Vacca	
Dominick	Harris	O'Bannon	Wilder	—27

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Dozier, further consideration of the Bill, S. B. 10, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 13. Forbidding the recording of certain instruments failing to recite the marital status of the grantor and providing a penalty for the making of false recitations as to such status.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dominick	Givhan	Jones
Bailes	Dozier	Hammond	King
Carr	Edington	Harris	Littleton
Clark	Fine	Hawkins	McLain
Cooper	Foshee	Horne	O'Bannon

Owen	Pierce	Shelby	Wilder	
Pelham	Register	Vacca		—26
<i>Nays:</i>				—0

The Bill:

S. 14. Curing certain defects in instruments affecting title to land recorded either before or after the effective date of this Act.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Fine	Horne	O'Bannon	
Bailes	Foshee	Jones	Pelham	
Cook	Givhan	King	Register	
Cooper	Hammond	Littleton	Shelby	
Dominick	Harris	Lybrand	Vacca	
Dozier	Hawkins	McLain	Wilder	
Edington				—24

Nays: —0

The Bill:

S. 15. Amending Act Number 624, Alabama Laws, Regular Session, 1965, as amended by Act Number 121, Alabama Laws, Regular Session, 1969, providing for the recitation of the draftsman of certain instruments, so as to give such Acts statewide effect.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Foshee	King	Pelham	
Bailes	Givhan	Littleton	Register	
Cooper	Hawkins	Lybrand	Shelby	
Dominick	Horne	McLain	Vacca	
Dozier	Jones	O'Bannon	Wilder	
Edington				—20

Nays: —0

BILL RECONSIDERED

On motion of Mr. Pelham, the Senate reconsidered the vote by which the Bill, S. B. 15, was passed.

On motion of Mr. Pelham, the Senate reconsidered the vote by which the Bill, S. B. 15, was ordered to its third reading.

Mr. Pelham then offered the following amendment to the Bill, S. B. 15, to-wit:

AMENDMENT TO S. B. 15

Amend S. B. 15 by striking section 3 in its entirety and renumber the remaining sections.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce	
Bailes	Givhan	McLain	Register	
Clark	Harris	Noonan	Shelby	
Cooper	Jones	O'Bannon	Vacca	
Dominick	King	Owen	Wilder	
Dozier	Littleton	Pelham	Wilson	
Edington				—24

Nays:

—0

And said Bill, S. B. 15, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Foshee	Lybrand	Pierce	
Bailes	Givhan	Maione	Register	
Clark	Harris	Noonan	Shelby	
Cooper	Jones	O'Bannon	Vacca	
Dominick	King	Owen	Wilder	
Edington	Littleton	Pelham	Wilson	
Fine				—24

Nays:

—0

The Bill:

S. 12. Forbidding the recording of certain instruments describing land by unrecorded plats and providing a penalty for the making of false recitations as to the unavailability of plats.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, S. B. 12, to-wit:

AMENDMENT TO S. 12

Amend Section 1 by adding on line eight (8) after the words "to be found" the following:

"and there is no description of the land by metes and bounds;"

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dozier	Hawkins	Pelham	
Bailes	Edington	Horne	Pierce	
Branyon	Fine	Jones	Register	
Carr	Foshee	King	Shelby	
Clark	Gilmore	Littleton	Vacca	
Cooper	Givhan	O'Bannon	Wilder	
Dominick	Harris	Owen		—26

Nays:

—0

Mr. Shelby offered the following amendment to the Bill, S. B. 12, as amended, to-wit:

AMENDMENT TO S. B. 12

Amend S. B. 12 by deleting Section 3 in its entirety and renumbering the following sections, also,

Amend Section 1 by deleting therefrom the following where the same first appears therein:

"or the instrument does not set out the book and page where the plat has been recorded and the office in which such book is to be found"

and substitute therefor the following:

"or the instrument does not describe the plat book and the office in which such plat book is to be found;"

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Foshee	Lybrand	Pierce	
Bailes	Givhan	McLain	Register	
Clark	Harris	Malone	Shelby	
Cooper	Hawkins	Noonan	Vacca	
Dominick	Jones	O'Bannon	Wilder	
Dozier	King	Owen	Wilson	
Fine	Littleton	Pelham		—26

Nays:

—0

And said Bill, S. B. 12, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Foshee	Lybrand	Pierce	
Clark	Givhan	McLain	Register	
Cooper	Harris	Malone	Shelby	
Dominick	Hawkins	Noonan	Vacca	
Dozier	Jones	O'Bannon	Wilder	
Edington	King	Owen	Wilson	

—27

Nays:

—0

The Bill:

S. 16. Creating a presumption as to the delivery of instruments conveying interests in land, recorded either before or after the passage of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pierce	
Bailes	Foshee	Lybrand	Register	
Clark	Givhan	McLain	Shelby	
Cooper	Hawkins	Noonan	Vacca	
Dominick	Horne	O'Bannon	Wilder	
Dozier	Jones	Owen	Wilson	
Edington	King	Pelham		—26

Nays: —0

The Bill:

S. 18. To further regulate the creation, exercise and termination of powers of attorney and to validate the exercise of certain powers of attorney now of record.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas: —25

Messrs.:	Foshee	Lybrand	Pierce	
Bailes	Gilmore	McLain	Register	
Clark	Givhan	Noonan	Shelby	
Cooper	Hawkins	O'Bannon	Vacca	
<u>Dominick</u>	Horne	Owen	Wilder	
Edington	Jones	Pelham	Wilson	
Fine	King			—25

Nays: —0

The Bill:

S. 19. Limiting the Duration of Contracts for the Sale of Land and Limiting the Notice of Contracts for the Sale of Land recorded Either before or After the Effective Date of this Act.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, S. B. 19, to-wit:

AMENDMENT TO S. 19

Amend S. 19, Section 1, line 2 by deleting the word "limit" and adding the word "state" in lieu thereof.

Further amend S. 19, Section 1, line 3, by adding after "within which" the following: ", or the circumstances under which,"

Which was adopted.

Yeas 23; Nays 0.

found"

Messrs.:	Fine	King	Pelham	
Bailes	Foshee	Littleton	Pierce	
Clark	Givhan	Lybrand	Register	
Cooper	Hawkins	McLain	Shelby	
Dominick	Horne	Noonan	Vacca	
Edington	Jones	Owen	Wilder	

—23

Nays: —0

And said Bill, S. B. 19, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Fine	King	Pierce
Bailes	Foshee	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cooper	Hawkins	McLain	Vacca
Dominick	Horne	Noonan	Wilder
Edington	Jones	Pelham	Wilson

—23

Nays:

—0

The Bill:

S. 20. To limit the duration of options to purchase land and the duration of notice of options heretofore or hereafter recorded.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, S. B. 20, to-wit:

AMENDMENT TO S. 20

Amend Section 1 by adding on line twelve (12) after the words "duration of the option", the following:

"or otherwise state the terms controlling the duration of the option,"

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham
Bailes	Foshee	Lybrand	Pierce
Carr	Gilmore	McLain	Register
Clark	Givhan	Malone	Shelby
Cooper	Hawkins	Noonan	Vacca
Dominick	Horne	O'Bannon	Wilder
Dozier	Jones	Owen	Wilson
Edington	King		

—29

Nays:

—0

And said Bill, S. B. 20, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Cooper	Fine	Hawkins
Bailes	Dominick	Foshee	Horne
Carr	Dozier	Gilmore	Jones
Clark	Edington	Givhan	King

Littleton
Lybrand
McLain

Noonan
O'Bannon

Pelham
Register

Shelby
Wilder

—24

Nays:

—0

The Bill:

S. 21. Amending Sections 66, 67, 69, 70 and 74, of Title 47, of the Alabama Code of 1940, to provide for the filing of a lis pendens when an application has been made for an order of condemnation of land, or any interest therein.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:
Bailes
Clark
Cooper
Dominick
Edington

Fine
Foshee
Gilmore
Horne
Jones
King

Littleton
Lybrand
Noonan
O'Bannon
Owen
Pelham

Pierce
Register
Shelby
Vacca
Wilder
Wilson

—23

Nays:

—0

The Bill:

S. 80. To provide for the conviction of an accused and the payment of fines in cases involving violation of the traffic and motor vehicle laws of the State of Alabama and the municipalities thereof upon a written waiver of trial and a written plea of guilty, and without the personal appearance of the accused before the Court having jurisdiction of such case.

was taken up.

Mr. Register offered the following substitute for the Bill, S. B. 80, to-wit:

SUBSTITUTE FOR S. B. 80

SYNOPSIS

To provide method by which traffic fines can be paid by mail.

A BILL

TO BE ENTITLED

AN ACT

To provide for the conviction of an accused and the payment of fines in cases involving violation of the traffic and motor vehicle laws of the State of Alabama and the municipalities thereof upon a written waiver of trial and a written plea of guilty, and without the personal appearance of the accused before the Court having jurisdiction of such case.

Be It Enacted by the Legislature of Alabama:

I do hereby tender to the Court a plea of guilty as charged. Furthermore, I tender to the Court herewith the sum of \$_____ as pay-

ment of fine, and the sum of \$..... as payment of court costs—a total fine and costs of \$.....

I request that the Court accept my waiver of trial, plea of guilty and tender of fine and costs, and that a final judgment of guilty be entered. This request is made with the full understanding that a conviction will be entered against my record; that the Department of Public Safety of Alabama (or the licensing authority of the State which issued my license to drive) will be notified of this conviction; that it will have the same legal effect as a final conviction, after trial, for all purposes, and may result in the assessment of points against my driving record, or suspension or revocation of my driver's license.

This the day of, 19.....

Witness

Signature of Defendant

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and to this end the provisions of this act are declared to be severable.

Section 5. All laws or parts of law which are in conflict or inconsistent with the provisions of this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce
Bailes	Gilmore	McLain	Register
Clark	Givhan	Malone	Shelby
Cooper	Hawkins	Noonan	Vacca
Dominick	Horne	O'Bannon	Wilder
Dozier	Jones	Owen	Wilson
Edington	Littleton	Pelham	—26

Nays: —0

And said Bill, S. B. 80, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce
Bailes	Gilmore	McLain	Register
Clark	Givhan	Malone	Shelby
Cooper	Hawkins	Noonan	Vacca
Dominick	Horne	O'Bannon	Wilder
Dozier	Jones	Owen	Wilson
Edington	Littleton	Pelham	—26

Nays: —0

The Bill:

S. 53. To amend Section 2 and to repeal Sections 3, 4, 6, and 7 of Act No. 1912, H. 2045, Regular Session 1971, which act provided salaries and clerical assistance for certain officers of counties having a population of not less than 39,500 nor more than 41,750, and to make the amendment retroactive to October 1, 1971.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Owen
Carr	Gilmore	Lybrand	Register
Clark	Givhan	McLain	Shelby
Cook	Harris	Malone	Vacca
Cooper	Horne	Noonan	Wilder
Dominick	Jones	O'Bannon	Wilson
Dozier	King		

—25

Nays:

—0

The Bill:

S. 54. To amend Act No. 439, S. 731, Regular Session 1971, approved August 26, 1971, which act provides for the operating expenses of certain county officers, in counties having a population of not less 39,500, nor more than 41,750, by providing said expenses for the circuit clerk in such counties, retroactive to October 1, 1971.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pierce
Bailes	Foshee	Littleton	Register
Branyon	Gilmore	Lybrand	Shelby
Carr	Givhan	McLain	Vacca
Clark	Harris	Malone	Wilder
Cook	Horne	Pelham	Wilson
Cooper	Jones		

—25

Nays:

—0

The Bill:

S. 103. To make additional appropriations to the Department of Public Safety.
was taken up.

Mr. Dozier moved that further consideration of the Bill, S. B. 103, be postponed until the Seventh Legislative Day. Mr. Wilson moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 9; Nays 21.

Yeas:

Messrs.:	Givhan	Owen	Register
Branyon	Hawkins	Pelham	Wilson
Clark	Noonan		

—9

Nays:

Messrs.:	Dozier	Jones	O'Bannon
Bailes	Edington	Littleton	Pierce
Carr	Fine	Lybrand	Shelby
Cook	Foshee	McLain	Vacca
Cooper	Gilmore	Malone	Wilder
Dominick	Hammond		

—21

The question recurred on the motion of Mr. Dozier, which was adopted and further consideration of the Bill, S. B. 103, was postponed until the Seventh Legislative Day.

CALENDAR BILL POSTPONED TO DAY CERTAIN

On motion of Mr. Clark, further consideration of the Bill, S. B. 96, was postponed until the Eighth Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 10. Mourning the death of Fred Allen.

Also:

H. J. R. 11. Mourning the death of Gordon L. Evatt.

Also:

H. J. R. 12. Mourning the death of Hilliard Aronov.

Also:

H. J. R. 13. Mourning the death of John Boddie.

Also:

H. J. R. 14. Congratulating Albert McDonald of Madison County upon being named as the nation's "Cotton Farmer of the Year".

Also:

H. J. R. 15. Mourning the death of B. Heflin Haynes.

Also:

H. J. R. 16. Mourning the death of William D. Whetstone.

Also:

H. J. R. 17. Mourning the death of John L. Ogletree, Jr.

Also:

H. J. R. 18. Honoring Minter Carney "Jack" Hayes, a great American, and outstanding Alabamian and Major League Baseball Player.

Also:

H. J. R. 22. Commending Livingston State University Football Team for winning the honor of playing for the football championship of the National Association of Intercollegiate Athletics.

Also:

H. J. R. 23. Commending Tom Surlas for winning All Southeastern Conference honors.

Also:

H. J. R. 24. Commending John Hannah for winning All-American honors.

Also:

H. J. R. 25. Commending Robbin Parkhouse for winning All Southeastern Conference honors.

Also:

H. J. R. 26. Commending Jimmy Grammer for winning All Southeastern Conference honors.

Also:

H. J. R. 27. Commending Jim Krapf for winning All-American honors.

Also:

H. J. R. 28. Commending David Bailey for winning All Southeastern Conference honors.

Also:

H. J. R. 29. Commending Johnny Musso for winning All Southeastern Conference honors.

Also:

H. J. R. 30. Commending Johnny Musso for winning All-American honors.

Also:

H. J. R. 31. Commending Steve Higgenbotham for winning All Southeastern Conference honors.

Also:

H. J. R. 32. Commending Jim Krapf for winning All Southeastern Conference honors.

Also:

H. J. R. 33. Commending Tom Surlas for winning All-American honors.

Also:

H. J. R. 34. Demanding an apology or equal time from ABC television for slighting the Southern Sportswriters and Sportscasters for their support of Pat Sullivan in the Heisman Trophy voting.

Also:

H. J. R. 36. Congratulating Peggy Wallace and Robert Crumpton.

JOHN W. PEMBERTON,

Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 88. To exempt from all state, county and municipal sales and use taxes all medicines prescribed by a physician for persons 65 years of age or older; to provide acceptable means of proof of age for the purposes of this Act; to provide a penalty for the filing of any false proof of age; and to repeal all laws which are in conflict with this Act and especially Act Number 2128, Acts of Alabama 1971, Regular Session, approved September 20, 1971.

was taken up.

Mr. Vacca offered the following substitute for the Bill, S. B. 88, to-wit:

SUBSTITUTE FOR S. B. 88

SYNOPSIS

This bill repeals the requirement of a physician's certification of age and substitutes the presentation of a medicare card or an affidavit of age.

A BILL

TO BE ENTITLED

AN ACT

To exempt from all state, county and municipal sales and use taxes all medicines prescribed by a physician for persons 65 years of age or older; to provide acceptable means of proof of age for the purposes of this Act; to provide a penalty for the filing of any false proof of age; and to repeal all laws which are in conflict with this Act and especially Act Number 2128, Acts of Alabama 1971, Regular Session, approved September 20, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted from the computation of the amount of tax levied, assessed or payable under the provisions of the state sales tax law, Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, or under any county or municipal sales tax law; and all such medicines shall likewise be exempted from the operation of the state use tax law levied by Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended, or by any county or municipal use tax law. The exemptions provided in this Act shall not apply to any medicine purchased in any manner other than as is herein provided.

Section 2. For the purposes of this ACT, proof of age may be

accomplished by filing with the dispensing pharmacist any one or more of the following documents:

A. The name and claim number as shown on a "Medicare" card issued by the United States Social Security Administration.

B. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

C. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

Section 3. For the purposes of this ACT any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

Section 4. All laws or parts of laws, and especially Act Number 2128, Acts of Alabama 1971, Regular Session, approved September 20, 1971, which conflict with this ACT are repealed.

Section 5. This ACT shall become effective (immediately on its passage and approval by the Governor,) (on the first day of the second month next following its passage and approval by the Governor,) or upon its otherwise becoming a law.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dozier	King	Owen
Bailes	Edington	Littleton	Pelham
Branyon	Foshee	Lybrand	Pierce
Carr	Gilmore	McLain	Register
Clark	Givhan	Malone	Shelby
Cook	Hammond	Noonan	Vacca
Cooper	Hawkins	O'Bannon	Wilder
Dominick	Horne		

—29

Nays:

—0

And said Bill, S. B. 88, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Owen
Bailes	Foshee	King	Pelham
Branyon	Gilmore	Littleton	Pierce
Carr	Givhan	Lybrand	Register
Cook	Hammond	Malone	Shelby
Cooper	Harris	Noonan	Vacca
Dominick	Hawkins	O'Bannon	Wilder
Dozier	Horne		

—30

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint

Resolution and returns same herewith to the Senate:

S. J. R. 21. Relative to the attack by the Japanese Empire on Pearl Harbor thirty years ago today.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCorquodale, Smith (P) and Cottingham:

H. 59. A bill to provide the manner and method by which State-wide Property Reappraisal shall be carried out and to spell out the responsibilities of all parties concerned and to provide for the enforcement of such a program by the Department of Revenue of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 59. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Carnes, Wynot and Waldrop:

H. 98. To authorize the Ex-Officio Clerks of the County Courts, in Counties having a population of not less than 90,000 nor more than 100,000 inhabitants, according to the last or any subsequent Federal decennial Census, to destroy all Files, Shucks, or Envelopes, together with all papers filed therein in all Criminal Cases in such Courts after the expiration of Ten years from the date of final Judgments, but no authority is given herein to destroy the Consolidated Docket and Fee Book Sheets, Final Record Books or the Indices in such Cases.

Also:

By Messrs. Smith (P) and McCluskey:

H. 121. Proposing an amendment to the Constitution of Alabama relating to the levy and collection of a special property tax in Talladega County for the purpose of enabling such county and the municipalities therein to establish and maintain a system or systems for the collection and disposal of garbage, trash and other solid wastes.

Also:

By Mr. Casey:

H. 130. Relating to counties having a population of not less than

10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties.

Also:

By Messrs. Jones (F), Straiton and Taylor:

H. 129. In any county having a population of not less than 150,000 nor more than 180,000 according to the most recent federal decennial census, any local governmental agency, county or city, funded by any State, local or Federal funds given to the local agency, must publish the names and amounts paid to all persons for professional services rendered to said agency located in said county.

Also:

By Messrs. Carnes and Wynot:

H. 120. To amend Section 2 of Act No. 821 of the 1971 Regular Session of the Legislature of Alabama; to provide that the provisions of this amendatory Act shall be retroactive to September 7, 1971.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 98, 121, 130, 129 and 120. To the Committee on Local Legislation No. 1.

(The above Bill, H. B. 121, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Dill, Wallace, Adwell, Waggoner, Flippo, Reed (T), Gafford, Bank, Robertson, Parker (T), Erdreich, Falkenburg, Grainger, Cherner, Smith (P) and Doss:

H. 103. To make appropriations from the Alabama special educational trust fund in the state treasury for the use and benefit of The State Training School for Girls.

Also:

By Messrs. McCorquodale, Bank, Cauthen, Barkett, Merrill, Wallace, Smith (P), Carnes, Agee and Lyons:

H. 63. To make a supplemental appropriation to the Legislative Reference Service for the fiscal years ending September 30, 1972, and September 30, 1973.

Also:

By Messrs. McCorquodale, Smith (P), Agee, Mims, Barkett and Hobbie:

H. 66. To make supplemental appropriations to the Dairy Commission for the fiscal years ending September 30, 1972 and September 30, 1973.

Also:

By Messrs. Hobbie, Stubbs, Taylor, Straiton, Barkett, Jones (F), McCorquodale, Headley, Culver, Timmons, Adwell, Waldrop and Jackson:

H. 86. To provide a cost of living increase to certain retired members of the Employees' Retirement System of Alabama.

Also:

By Mr. Warren:

H. 16. To amend Section 5 of Act No. 2307 of 1971 Regular Session relating to coverage of School Bus Drivers, etc., in the Teachers' Retirement System of Alabama.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 103, 63, 66 and 86. To the Committee on Finance and Taxation.

H. B. 16. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Mathews:

H. 6. To amend Section 18 of Act No. 2052, S. 122, 1971 Regular Session approved October 1, 1971, entitled, "An Act To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act."

Also:

By Messrs. Pruitt, Cauthen, Doss, Crowe, Slate, Gafford, Lutz, St. John, Perloff and Fite:

H. 41. To provide for the transfer of cases from the Alabama Court of Criminal Appeals and the Alabama Court of Civil Appeals to the Supreme Court of Alabama.

Also:

By Messrs. Pruitt, Cauthen, Doss, Erdreich, Gafford, Crowe, Slate, Lutz, St. John and Fite:

H. 42. To amend Section 21 of Act No. 987, approved September 12, 1969, so as to provide that the Court of Criminal Appeals shall be

composed of five judges who may sit in panels of three so long as three judges concur in the Court's decision; and to appropriate monies to carry out the provisions hereof.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 6, 41 and 42. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hardin, Burgess, Bank, Grainger, Crawford, Lyons, Mc-Corquodale, Owens, Kinsey, Benton, Bassett, Carnes, Cauthen, Timmons, Mims and Barkett:

H. 4. To make additional appropriations to the Divisions of Game and Fish, Water Safety, Administrative and State Parks of the Department of Conservation and Natural Resources.

Also:

By Messrs. Hardin, Burgess, Bank, Grainger, Crawford, Lyons, Mc-Corquodale, Owens, Kinsey, Benton, Bassett, Carnes, Cauthen, Timmons, Mims and Barkett:

H. 5. To make appropriations from the Water Safety Fund in the State Treasury for Division of Water Safety capital improvements.

Also:

By Messrs. Jones (F) and Therrell:

H. 90. To make a supplemental appropriation to the Bureau of Credit Unions of the Department of Banking for the fiscal years ending September 30, 1972 and September 30, 1973.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 4, 5 and 90. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hobbie, Jones (F), Burgess, Harris, Taylor, Timmons, Jones (E), Dill, Wallace, Boles, Crowe, Cherner, Naramore, McBride, Culver, Adwell, Easters, Mims, Warren, Lang, Stubbs, Barkett, McCorquodale, Bassett, Waldrop, Jackson and Headley:

H. 87. To regulate the solicitation of advertisement by any person, firm or corporation who holds himself out to be affiliated with any State or Federal Peace Officers Association; to provide penalties for violation of this Act.

Also:

By Messrs. Jones (F), Taylor, Hobbie, Harris and Straiton:

H. 91. To authorize and direct the State of Alabama Personnel Board to establish tax-deferred annuity and deferred compensation programs for salaried state employees; to provide for voluntary salary-reduction contributions by employees; to provide for payroll deductions of the contributions for participating employees; to provide for the adoption of consolidated billing and administrative services by the Personnel Board; to prohibit any conflict with the provisions of the State of Alabama Employees Retirement System.

Also:

By Mr. McCluskey:

H. 107. To exempt authorities now or hereafter organized under the provisions of Act No. 107 adopted at the 1965 First Special Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitations, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 87, 91 and 107. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Mathews, Stubbs, Lyons and McCorquodale:

H. 116. To make additional appropriations to the Department of Public Safety.

By Mr. Merrill:

H. 3. To amend Section 38, Title 13 of the Code of Alabama, 1940, which places certain responsibilities, duties and functions upon the Chief Justice of the Supreme Court of Alabama; to further set forth additional responsibilities, duties, functions and powers of the said Chief Justice pertaining to Supernumerary Circuit Judges, Circuit Judges, Department of Court Management, the Permanent Study Com-

mission on Alabama's Judicial System, the Supreme Court, The Judicial Conference, and the administration of justice in Alabama; to authorize the Chief Justice to obtain statistics, data and other factual information from court officials; and to authorize the assignment of Circuit Judges to temporary duty with the Appellate Courts.

Also:

By Messrs. McCorquodale and Lyons:

H. 117. To make additional appropriation to the Banking Department—Bureau of Loans.

Also:

By Messrs. Lyons and McCorquodale:

H. 118. To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the Chief Justice and the Associate Justices of the Supreme Court, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 549), as amended by Act No. 594, General Acts of Alabama, 1959, p. 1483, and by Act No. 44, General Acts of Alabama, 1965, Special Sess., p. 64, and by Act No. 323, General Acts of Alabama 1969, Reg. Sess., p. 693, and to appropriate the funds for carrying out the provisions of this act.

Also:

By Messrs. Ellis, Turnham, Boutwell, Jones (E), Parker (H), Cherner, Wallace, Timmons, Waggoner, Hobbie, Taylor, Jones (F), Harris, McCorquodale, Bank, Smith (P), Cottingham, Mathews, Casey, Stubbs, Culver, Robertson and Therrell:

H. 128. To exempt from all state, county and municipal sales and use taxes all medicines prescribed by a physician for persons 65 years of age or older; to provide acceptable means of proof of age for the purposes of this Act; to provide a penalty the filing of any false proof of age; and to repeal all laws which are in conflict with this Act and especially Act Number 2128, Acts of Alabama 1971, Regular Session, approved September 20, 1971.

Also:

By Messrs. Smith (P) and Lyons:

H. 119. To amend Section 5 of Act No. 1957, H. 1851, Legislature of 1971, Regular Session, approved September 20, 1971, an Act to provide for the regulation of the custom application of pesticides by aircraft and ground equipment, etc., said Section 5 thereof relating to the bond or liability insurance required by persons engaged in the custom application of pesticides.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 116 and 117. To the Committee on Finance and Taxation.

H. B.'s 3, 118, 128 and 119. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Nettles, Therrell, Owens and Lyons:

H. 132. To provide for a comprehensive land management and use program in flood-prone areas of this state so as to make flood insurance available under the National Flood Insurance Act of 1968; to declare the public need for such program; to define terms; to authorize the county governing body in each county to prescribe criteria for land management and use in such areas, including control measures, subdivision planning requirements, building and health code requirements; to require certain permits prior to commencing construction; and to prescribe penalties for violations.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 122. To the Committee on Commerce, Transportation and Common Carriers.

ADJOURNMENT

At 6:10 P. M., on motion of Mr. Pelham, the Senate adjourned until Wednesday, December 8, 1971, at 11 o'clock A. M.

FIFTH LEGISLATIVE DAY

WEDNESDAY, DECEMBER 8, 1971

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Henry E. Hulgan, Pastor, Highland Gardens Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Dozier	Hawkins	Owen
Bailes	Edington	Horne	Pelham
Branyon	Fine	Jones	Pierce
Carr	Foshee	King	Register
Clark	Gilmore	Littleton	Shelby
Cook	Givhan	Lybrand	Vacca
Cooper	Hammond	McLain	Wilder
Dominick	Harris	Noonan	Wilson

JOURNAL

On motion of Mr. Pelham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Pelham, leaves of absence were granted Messrs. Malone, Lindsey, Weaver and O'Bannon for today.

REPORTS OF COMMITTEES

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dominick:

S. 92. To amend Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, relating to the registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parker (H), et al (with amendment):

H. 24. Authorizing any municipality of the State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census to declare noxious or dangerous weeds growing upon private property within such municipalities to be a public nuisance, and creating a lien upon the property where such nuisance exists for the cost of abating the same.

By Mr. Parker (H), et al (with amendment):

H. 26. To amend further Section 4 of Act No. 547, Regular Session, 1965, relating to the establishment of a civic center in the municipality wherein there is located the county seat of any county of the State having a population of more than 500,000, approved August 20, 1965.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Erdreich, et al:

H. 54. To amend Section 7 of Act No. 993 (H. 1089) enacted at the 1971 regular session of the Legislature of Alabama, applicable to any county having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census, so as to provide for the appointment by the governing body of the principal municipality in such county of two (2) Directors for the county transit authority provided for by said Act, and to provide for the initial terms of office of such Directors appointed by such principal municipality.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones (E), et al (with notice and proof) (with amendment):

H. 58. To amend Section 1 of Act No. 462, H. 833, Regular Session 1939 (Local Acts 1939, p. 277), as amended by Act No. 193, H. 556, Regular Session 1965 (Acts 1965, p. 276) (codified at Section 138, Title 62, Code of Alabama 1940, Recompiled 1958), which provides for the maintenance of law libraries in Jefferson County by authorizing the collection of a tax paid as a part of court costs in actions in Jefferson County courts; provides for the maintenance and expense of such funds, and provides for the method of use of such funds, by increasing the tax from ten cents to fifty cents in each civil case filed in certain statutory inferior courts in Jefferson County (other than in the Birmingham Division).

Mr. McLain, Chairman of the Standing Committee on Municipal Government, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McLain:

S. 104. To amend Sections 7 and 14 of Act No. 1981, H. 732, 1971 Regular Session, effective September 30, 1971, entitled: "To establish the Alabama Peace Officers Standards and Training Commission; to prescribe its functions, duties and powers relative to the selection, recruitment and training of law enforcement officers and the work of law enforcement agencies in the State; to prescribe minimum standards for law enforcement officers; to grant to the Commission power to establish standards and issue and promulgate rules and regulations; to make the violation of certain provisions of this Act or the standards, rules and regulations of the Commission a misdemeanor; to establish the Alabama Peace Officers Standards and Training Commission Fund to make biennial appropriations from such Fund to the Commission for the fiscal years 1971-72 and 1972-73; to authorize participation in

the program of the Commission by State, county and municipal law enforcement agencies."

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wilson:

S. 105. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Fourteenth Judicial Circuit of Alabama.

By Mr. Shelby:

S. 106. To repeal Act No. 218, S. 13 of the First Special Session of 1964 (Acts 1964, p. 304) entitled "An Act To provide and providing that in all counties in Alabama whose population is not less than 100,000 people and not more than 115,000 people according to the 1960 or any subsequent Federal decennial census where probation is now authorized or provided for by law and a person has plead guilty to, or has been adjudged guilty of, crime, Circuit Courts in such Counties shall have and are hereby given the right, power and authority to defer adjudging defendant guilty and imposition of sentence in such cases and may place such person on probation pending imposition of sentence; that when sentence is imposed such Circuit Courts may determine what part of such sentence shall be served and what part of such sentence such person shall be placed on probation and such Circuit Courts may suspend any part of such sentence and place such person on probation for the first part, last part or any intermediate part of such sentence, or upon motion of defendant may set aside such plea of guilty or verdict of guilty and grant a new trial, and further regulating probations and proceedings in Circuit Courts in such Counties."

By Mr. Shelby:

S. 107. To repeal Act No. 5, H. 84 of the Second Special Session of 1971, approved December 1, 1971, entitled "An Act, To provide that in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census, a person is found guilty or plead guilty, courts may, without entering judgment of guilty and with the consent of such person, defer proceedings and place on probation; that may discharge from probation before end of probation period; that at the end of probation period, shall discharge and dismiss such proceeding; that such discharge and dismissal makes it a non-public record; that discharge and dismissal may occur only once to such person; that if under 21 at the time offense, such person may apply to expunge official records and restore to status occupied prior thereto; and that not guilty of perjury or false statement for failing to reveal such proceedings."

By Messrs. Jones and Pierce:

S. 109. To amend Section 5 of Act No. 2280, S. 478, Regular Session 1971, approved October 1, 1971, which established a county-wide personnel system for all counties having a population of not less than 150,000 nor more than 180,000, by authorizing the granting of either compensatory leave or overtime pay to employees.

By Mr. Dozier:

S. 110. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal de-

cennial census, to provide for an annual expense allowance for the judge of the inferior court of such counties.

By Mr. Dozier:

S. 111. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide for an annual expense allowance for the deputy district attorney of such counties.

By Mr. Noonan:

S. 113. To further amend Section 13 of Act No. 934 approved September 9, 1961, General Acts of Alabama, 1961, Vol. II, page 1506, as amended, entitled: "An Act, To provide for a program of tax equalization of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census; to more fully define the duty, authority and responsibility of the Tax Assessor of such counties in the matter of equalizing assessments of real property within such counties; to provide for the division of such counties into districts for the purpose of tax assessment records; to require that certain records be kept and maintained on a current basis by the Tax Assessor of such counties; to describe the manner in which such records are to be kept; to provide a time within which the equalization program required herein is to be initially completed; to provide for a continuous program of appraisal of real property within such counties; to provide for the assessments of improvements to real property within such counties; to prescribe penalties for failure to assess, or properly assess, improvements to real property within such counties, to prohibit the remittance of any such penalties except as provided for by this Act; to provide for the publishing of reports of the progress of the carrying out of the provisions of the Act; to provide for a portable set of assessment records for use by appraisers appointed by the Tax Assessor; to define the duties of the Board of Equalization in such counties in the matter of the equalization of assessments of real property, to provide that no outstanding obligations against the proceeds of any tax derived from assessments of real properties in such counties shall be impaired by the provisions of this Act; to provide for appeals of any assessment made by the Tax Assessor or ruling of the Board of Equalization of such counties; to provide for the necessary personnel, supplies, materials, and equipment to carry out the provisions of this Act and to provide the manner in which personnel are to be appointed in such counties; to provide for the severability of the provisions of the Act; to repeal all laws or parts of laws in conflict with the provisions of this Act."

By Mr. Carr:

S. 118. Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most recent Federal Decennial Census; to provide additional compensation for the court reporter of the county court in such counties.

By Messrs. Crowe and Naramore:

H. 70. To provide for an additional eighteen hundred dollar (\$1,800.00) expense allowance for the county treasurer of counties having a population of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census.

By Mr. Coshatt (with notice and proof):

H. 72. Relating to St. Clair County; providing for the reorganization of the government of the county; abolishing the Court of County Commissioners and creating in lieu thereof the St. Clair County Com-

mission and designating its members; providing for the manner in which their successors shall be elected and prescribing their qualifications, terms and compensation; providing for the organization and jurisdiction of the commission and the powers and duties of its members; providing for the employment of a county engineer pursuant to Act No. 1728, H. 2522, Regular Session 1971; repealing conflicting laws; providing for effective date of this act.

By Messrs. Carnes, Wynot and Waldrop:

H. 98. To authorize the Ex-Officio Clerks of the County Courts, in Counties having a population of not less than 90,000 nor more than 100,000 inhabitants, according to the last or any subsequent Federal decennial Census, to destroy all Files, Shucks, or Envelopes, together with all papers filed therein in all Criminal Cases in such Courts after the expiration of Ten years from the date of final Judgments, but no authority is given herein to destroy the Consolidated Docket and Fee Book Sheets, Final Record Books or the Indices in such Cases.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Crowe and Naramore (with amendment):

H. 111. To amend Section 3 of Act No. 1958, H. 1874, 1971 Regular Session, approved September 20, 1971, entitled "An Act Relating to counties having populations of not less than 55,000 nor more than 56,500; to create in each of such counties a coliseum authority as a public corporation; for the purpose of providing a coliseum and related structures in such county; to provide for the appointment, term, and qualifications of the members of such authority; to prescribe the powers, duties and functions of said authority, including the power of eminent domain; to provide certain insurance coverage; to authorize the sale and issuance of interest bearing revenue bonds and refunding said bond; to declare such bonds to be negotiable instruments; to exempt from taxation properties of said authority and the income therefrom, and the bonds and the income therefrom; and to levy a privilege tax on lodgings in each county coming under this act as a means of financing such coliseum and provide for its collection," so as to change the membership of the coliseum authority created by this Act.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Carnes and Wynot:

H. 120. To amend Section 2 of Act No. 821 of the 1971 Regular Session of the Legislature of Alabama; to provide that the provisions of this amendatory Act shall be retroactive to September 7, 1971.

By Messrs. Jones (F), Straiton and Taylor:

H. 129. In any county having a population of not less than 150,000 nor more than 180,000 according to the most recent federal decennial census, any local governmental agency, county or city, funded by any State, local or Federal funds given to the local agency, must publish the names and amount paid to all persons for professional services rendered to said agency located in said county.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Wallace, Dill, Timmons, Ellis, Parker (H), Boles, Jones (E), Bowers, Meeks, Waggoner, McBride, Boutwell, Weeks, Adwell, Doss, Erdreich, Falkenburg, Gafford, Gloor and Cherner:

H. J. R. 48. CONGRATULATING TARRANT CITY HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE STATE CHAMPIONSHIP FOR CLASS 3-A.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 48, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Dominick, the Rules were suspended and the Resolution was adopted by the Senate.

ADOPTION OF RESOLUTION

The following Resolution:

By Mr. Fine:

S. J. R. 23. WHEREAS, The Marion County High School Red Raiders played consistently superior football throughout the season and won The State of Alabama Class A Football Championship this year; and

WHEREAS, Coach Bill Rayburn, Coach Roger Akers, and Coach Donald Jones are due much credit for the high degree of skill displayed by the team; and

WHEREAS, Captains Tony Baird and Wade Sexton displayed fine spirit and the will to win which is necessary to a winning team; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Marion County High School Red Raiders Football Team for winning the Class A Football Championship and congratulate the coaches and Mr. Hubert Junkin, Principal.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Marion County High School Football Team, Coaches Bill Rayburn, Roger Akers, and Donald Jones, and Principal Hubert Junkin.

having been read by title and filed with the Secretary on the previous Legislative Day, was again read and, on motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Waldrop, Wynot and Carnes:

H. J. R. 39. COMMENDING L. V. WHITEY FOR HIS LONG SERVICE TO THE UNITED STEELWORKERS OF AMERICA AND TO THE WORKING PEOPLE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 39, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Dominick, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Reid (R):

H. J. R. 41. CONGRATULATING THE ONEONTA FOOTBALL TEAM FOR BEING CROWNED CO-CHAMPIONS OF ALABAMA HIGH SCHOOL FOOTBALL FOR CLASS 2A.

Also:

By Messrs. Turnham, Brassell, Adams, Agee, Waggoner, Wallace and Ellis:

H. J. R. 42. COMMENDING TERRY BEASLEY FOR AN OUTSTANDING CAREER AT AUBURN UNIVERSITY.

Also:

By Messrs. Turnham, Brassell, Agee, Adams, Waggoner, Wallace and Ellis:

H. J. R. 43. COMMENDING PAT SULLIVAN FOR AN OUTSTANDING CAREER AT AUBURN UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 41, 42 and 43, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again severally read and, on motion of Mr. Dominick, the Rules were suspended and the Resolutions were adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Cauthen and Slate:

H. J. R. 45. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, as follows:

WHEREAS, the Decatur Red Raiders football team has just won the Alabama Class 4-A championship for the year 1971;

WHEREAS, it is the desire of the Legislature to congratulate and commend the football team, the coaching staff and the student body of Decatur High School in Morgan County, Alabama by these presents; now therefore,

BE IT FURTHER RESOLVED, That the Legislature of Alabama congratulates and commends the Decatur High School Red Raiders football team, Coach Earl Webb, and the other coaches, and the student body of Decatur High School for this outstanding achievement.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Decatur High School football team and the Decatur High School, Decatur, Alabama.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 45, set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Dominick, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Grainger, Lutz, King, Hearn, Hale, Adams, Adwell, Agee, Baker, Bank, Barkett, Bassett, Benton, Boles, Boutwell, Bowers, Brassell, Burgess, Callahan, Carnes, Carter, Casey, Cauthen, Cherner, Chesnut, Collins, Connell, Coshatt, Cottingham, Crawford, Cross, Crowe, Culver, Dill, Doss, Downing, Drake, Easters, Edwards, Ellis, Erdreich, Falkenburg, Fite, Flippo, Gafford, Gloor, Goodwin, Gray (F), Grey (D), Hardin, Harris, Headley, Hill, Hobbie, Jackson, Jones (E), Jones (F), Kinsey, Lang, Lyons, McBride, McCluskey, McCorquodale, McDonald, Manley, Mathews, May, Meeks, Merrill, Mims, Naramore, Nettles, O'Daniel, Owens, Parker (H), Parker (T), Perloff, Pruitt, Reed (T), Reid (R), Reynolds, Roberts, Robertson, St. John, Slate, Smith (K), Smith (P), Snell, Stewart, Stokes, Straiton, Stubbs, Taylor, Therrell, Timmons, Turner, Turnham, Waggoner, Waldrop, Wallace, Warren, Weeks, Williams, Wise, Wood, Wynot:

H. J. R. 44. WHEREAS Thomas A. Jones, Jr. of Huntsville, a distinguished member of the Alabama House of Representatives from 1966 through 1970, died on December 3, 1971 at the age of 43 after fighting a courageous but losing battle to cancer; and

WHEREAS Mr. Jones was an outstanding leader of his community, having distinguished himself through his professional achievements in the field of architecture and through his civic and governmental leadership. He served two terms as president of the Downtown Development

Association, was a past trustee of the Arts Council and director of the Huntsville Industrial Expansion Committee. He served as a member of the Huntsville Beautification Board, chairman of the Madison County Cancer Crusade, a member of the Chamber of Commerce, Kiwanis International and Community Mental Health Center Committee. He was a merit badge counselor for the Boy Scouts; and

WHEREAS his service in the legislature included significant leadership in the field of conserving the natural resources of his state and region. He authored strong water pollution control legislation affecting his county and was in the vanguard of those seeking to strengthen air pollution control laws in this state. He was a pioneer in the field of expansion of recreational facilities to enhance tourism in Alabama, and

WHEREAS he was a native of Montgomery, a graduate of the Auburn School of Architecture, began his career in the field of architecture in Birmingham and Gadsden and headed the firm of Jones and Mann; and

WHEREAS he is survived by his wife, Mrs. Gail Brooks Jones, a daughter, Janice Irene Jones; two sons, Thomas A. Jones II and Monroe Tuttle Jones, all of Huntsville; his mother, Mrs. Thomas Jones of Montgomery, and a sister, Mrs. Feffie Cotton of Maryville, Tennessee; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama has suffered a severe loss in the untimely death of one of its finest citizens. We extend our deep and heartfelt sympathy to the surviving members of his family to whom copies of this resolution shall be sent.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 44, set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Dominick, the Rules were suspended and the Resolution was adopted by the Senate.

NOTICE IN WRITING

Mr. Dominick offered the following Notice in Writing, to-wit:

"NOTICE IN WRITING"

"Notice in writing is hereby given that on the next legislative day, I will move that the Joint Rules of the two Houses of the Legislature of Alabama be amended by adding thereto the following new rule:

"When no opposition is made to a local bill or a general bill of local application in the committee to which it was assigned, such committee when favorably reporting the bill shall recommend that it be put on the uncontested local bill calendar. On the next legislative day, after receiving their second reading, all such bills shall be placed on the uncontested local bill calendar, which shall then lay over for one legislative day on the desk of the secretary or clerk and then immediately before bills on any special order or on the regular calendar are taken up, the bills on the uncontested local bill calendar shall be read and all such bills shall then be adopted en masse by a single motion and a single vote. Any member may object to the inclusion of any specific bill in the en masse adoption of bills, and that specific bill will then be taken up separately. All bills approved at a single en masse vote

shall be sent to the second house on a single message and upon receipt in the second house, the bills shall be assigned to committee as other bills are and if there is no opposition to any such bill in the committee and the committee in the second house reports the bill favorably, it shall recommend that such bill be put on that house's uncontested local bill calendar; and the same procedure which was followed in the house in which the bill originated shall again be followed in the second house.'"

Which was read and ordered spread upon the Journal.

MOTION IN WRITING

Mr. Register offered the following Motion in Writing, to-wit:

"MOTION IN WRITING"

"Amend Senate Rule 18 by striking therefrom the words 'two-thirds' in the last sentence and inserting in lieu thereof the words 'three-fifth.'"

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Dominick offered the following Motion in Writing, to-wit:

"MOTION IN WRITING"

"I now move to amend the Senate Rules by striking Senate Rule 18 in its entirety and substituting the following:

"Rule 18. A quorum must be present at all times when the Senate is in session, including the times when a question is under debate; and the chair may at any time on his own motion and shall on the suggestion of any Senator instruct the Secretary to ascertain whether or not there is a quorum present. If there is a less number than a quorum of the Senate present those present may send for absent Senators as authorized in Rule 34 or may adjourn as authorized in Rule 1. A suggestion from a Senator for a quorum check shall be in order at all times.

"The committee on rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if two-thirds of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.'"

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The Bill:

S. 94. In relation to the regulation of facilities for child care, repealing Title 49, sections 62-100, as amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:
Bailes

Carr
Clark

Cook
Cooper

Dozier
Edington

Fine	Hawkins	Lybrand	Register	
Foshee	Horne	Noonan	Vacca	
Gilmore	Jones	Owen	Wilder	
Givhan	Littleton	Pelham		—22
<i>Nays:</i>				—0

CALENDAR BILL POSTPONED TO DAY CERTAIN

On motion of Mr. Carr, further consideration of the Bill, S. B. 81, was postponed until the Eighth Legislative Day.

BILLS ON THIRD READING RESUMED

FURTHER CONSIDERATION OF S. B. 26

The Bill:

S. 26. To provide that members of the Enforcement Division of the Public Service Commission designated in writing by the Public Service Commission shall have the powers of peace officers and deputy sheriffs in this State and may exercise such powers anywhere within the State.

was again taken up.

Mr. Cook offered the following amendment to the Bill, S. B. 26, to-wit:

AMENDMENT TO S. B. 26

Amend S. B. 26 by striking the period at the end of Section 1 and adding a comma and "as to the rules and regulations of the Public Service Commission only."

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Pelham	
Bailes	Dozier	Horne	Pierce	
Carr	Edington	Jones	Register	
Cook	Fine	King	Shelby	
Cooper	Foshee	Lybrand	Wilder	—19

Nays: —0

And said Bill, S. B. 26, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Pierce	
Bailes	Dozier	Jones	Register	
Carr	Edington	King	Shelby	
Clark	Fine	Lybrand	Vacca	
Cook	Foshee	Pelham	Wilder	—21
Cooper	Hawkins			

Nays: —0

The Bill:

S. 51. Relating to any county having a population of not less than 34,000 nor more than 34,800; to abolish the fine and forfeiture fund of such county; to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 51, to-wit:

AMENDMENT TO S. B. 51

Amend the title of S. B. 51 by striking therefrom the word "all" where the same first appears in the title and substituting therefor the word "certain";

Also amend Section 2 by inserting immediately following the words "fines and forfeitures" where such words first appear in Section 2 the following: "other than those payable to the State of Alabama"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	Littleton	Pierce
Carr	Hammond	Lybrand	Register
Clark	Harris	McLain	Shelby
Cook	Hawkins	Noonan	Vacca
Cooper	Horne	Owen	Wilder
Dominick	Jones	Pelham	Wilson
Foshee	King		

—25

Nays:

—0

And said Bill, S. B. 51, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	Littleton	Pierce
Carr	Hammond	Lybrand	Register
Clark	Harris	McLain	Shelby
Cook	Hawkins	Noonan	Vacca
Cooper	Horne	Owen	Wilder
Dominick	Jones	Pelham	Wilson
Foshee	King		

—25

Nays:

—0

The Bill:

S. 95. Relating to counties having a population of not less than 22,250 nor more than 23,000, according to the last or any subsequent federal decennial census; providing an expense allowance for the probate judge of such county.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pierce	
Bailes	Foshee	Lybrand	Register	
Branyon	Gilmore	McLain	Shelby	
Clark	Givhan	Noonan	Vacca	
Cooper	Hammond	Owen	Wilder	
Dominick	Jones	Pelham	Wilson	
Dozier	King			—25

Nays:

—0

The Bill:

S. 100. Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; further regulating the registration of voters in such counties.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 100, to-wit:

SUBSTITUTE FOR S. B. 100

SYNOPSIS

This bill relates to all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; and further regulates the registration of voters in such counties.

A BILL TO BE ENTITLED AN ACT

Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; further regulating the registration of voters in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent Federal Decennial Census, the Board of Registrars in addition to the sessions now prescribed by law, shall meet during the months of February, March and April and remain in session daily, Sundays and legal holidays excepted, for the purpose of registering voters and performing all such other duties as may be prescribed by law, provided, however, that no registration of voters may be made during the ten (10) day period next preceeding any general, special or primary election.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	King	Pelham	
Carr	Givhan	Littleton	Register	
Clark	Hammond	Lybrand	Shelby	
Cook	Harris	McLain	Vacca	
Cooper	Hawkins	Noonan	Wilder	
Dominick	Horne	Owen	Wilson	
Edington	Jones			—25

Nays:

—0

And said Bill, S. B. 100, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	King	Pelham	
Carr	Givhan	Littleton	Register	
Clark	Hammond	Lybrand	Shelby	
Cook	Harris	McLain	Vacca	
Cooper	Hawkins	Noonan	Wilder	
Dominick	Horne	Owen	Wilson	
Edington	Jones			—25

Nays:

—0

The Bill:

H. 10. To regulate further the excusing of persons from jury service in the Second Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	King	Pelham	
Bailes	Givhan	Littleton	Pierce	
Branyon	Hammond	Lybrand	Register	
Carr	Harris	McLain	Shelby	
Clark	Hawkins	Noonan	Vacca	
Cook	Horne	Owen	Wilson	
Cooper	Jones			—25

Nays:

—0

The Bill:

H. 11. Relating to judicial procedure in the Second Judicial Circuit; regulating and providing further for the separation of the jury by consent in capital or non-capital felony cases in such circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Pierce
Carr	Foshee	Lybrand	Register
Clark	Givhan	McLain	Shelby
Cook	Hammond	Noonan	Vacca
Cooper	Harris	Owen	Wilder
Dominick	Jones	Pelham	Wilson
Dozier	King		

—25

Nays:

—0

The Bill:

H. 12. Relating to the method of giving notice of the requirement of attendance of Jury service in the Second Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	King	Pelham
Bailes	Givhan	Littleton	Pierce
Branyon	Hammond	Lybrand	Shelby
Carr	Harris	McLain	Vacca
Clark	Hawkins	Noonan	Wilder
Dozier	Horne	Owen	Wilson
Edington	Jones		

—25

Nays:

—0

The Bill:

H. 21. To fix the compensation of the sheriffs of all counties having populations of not less than 52,500 nor more than 54,000, according to the most recent federal decennial census; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Owen
Bailes	Dozier	King	Pelham
Branyon	Fine	Littleton	Register
Carr	Foshee	Lybrand	Vacca
Clark	Harris	McLain	Wilder
Cook	Hawkins	Noonan	Wilson
Cooper	Horne		

—25

Nays:

—0

The Bill:

H. 55. Relating to all counties having a population of not less than 30,000 nor more than 33,575; to provide further for the expenditure of pistol permit fees by the sheriff of such counties; to make the provisions of this act retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham
Carr	Givhan	Littleton	Pierce
Clark	Hammond	Lybrand	Register
Cook	Harris	McLain	Shelby
Cooper	Hawkins	Noonan	Vacca
Dominick	Horne	Owen	Wilder
Dozier	Jones		

—25

Nays:

—0

The Bill:

H. 109. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Twelfth Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	King	Pierce
Bailes	Fine	Littleton	Register
Branyon	Foshee	Lybrand	Shelby
Carr	Harris	McLain	Vacca
Clark	Hawkins	Noonan	Wilder
Cook	Horne	Owen	Wilson
Cooper	Jones		

—25

Nays:

—0

The Bill:

H. 110. To regulate further the excusing of persons from jury service in the Twelfth Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Littleton	Pierce
Bailes	Fine	Lybrand	Register
Branyon	Gilmore	McLain	Shelby
Carr	Givhan	Noonan	Vacca
Clark	Hammond	Owen	Wilder
Cook	Harris	Pelham	Wilson
Cooper	King		

—25

Nays:

—0

The Bill:

H. 9. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Second Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Pierce
Bailes	Foshee	Lybrand	Register
Branyon	Harris	McLain	Shelby
Carr	Hawkins	Noonan	Vacca
Cooper	Horne	Owen	Wilder
Dominick	Jones	Pelham	Wilson
Dozier	King		

—25

Nays:

—0

The Bill:

S. 11. Giving effect to certain conveyances of land executed in the name of corporations; amending Section 106, of Title 47, of the Alabama Code of 1940, to extend its provisions to all corporations organized for private profit and to create a conclusive presumption as to the power of certain corporate officers; extending the effect of Section 58, of Act Number 414, Alabama Laws, Regular Session, 1959, dealing with the defense of ultra vires, to all corporations organized for private profit and giving retroactive effect to the provisions of this act.

was taken up.

Mr. Shelby offered the following amendment to the Bill, S. B. 11, to-wit:

AMENDMENT TO S. B. 11

Amend the title of S. B. 11 by deleting the word "conclusive".

Amend Section 5 by deleting the word "conclusively."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Pierce
Bailes	Edington	King	Register
Clark	Foshee	Littleton	Shelby
Cook	Hawkins	Lybrand	Vacca
Cooper	Horne	Pelham	Wilder
Dominick			

—20

Nays:

—0

And said Bill, S. B. 11, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Pierce
Bailes	Edington	Jones	Register
Clark	Fine	King	Shelby
Cook	Harris	Littleton	Vacca
Cooper	Hawkins	Pelham	Wilder
Dominick			

—20

Nays:

—0

The Bill:

S. 17. Giving the protection afforded an innocent purchaser for value of those receiving quitclaim deeds or similar instruments either before or after the passage of this act.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Pierce	
Bailes	Edington	King	Register	
Carr	Fine	Littleton	Shelby	
Clark	Foshee	Lybrand	Vacca	
Cook	Hawkins	Pelham	Wilder	
Cooper	Horne			—21

Nays:

—0

MOTION TO ADJOURN LOST

At 12:13 P. M., Mr. Bailes moved that the Senate adjourn until Thursday, December 9, 1971, at 10 o'clock A. M., which motion was lost.

Yeas 13; Nays 14.

Yeas:

Messrs.:	Dominick	Hammond	Lybrand	
Bailes	Edington	Hawkins	Shelby	
Carr	Fine	King	Vacca	
Cook	Gilmore			—13

Nays:

Messrs.:	Harris	Noonan	Register	
Cooper	Horne	Owen	Wilder	
Dozier	Jones	Pelham	Wilson	
Foshee	Littleton	Pierce		—14

RECESS

At 12:15 P. M., on motion of Mr. Cooper, the Senate took a recess until 5 o'clock P. M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

REPORTS OF COMMITTEES RESUMED

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Merrill:

H. 3. To amend Section 38, Title 13 of the Code of Alabama, 1940, which places certain responsibilities, duties and functions upon the Chief Justice of the Supreme Court of Alabama; to further set forth

additional responsibilities, duties, functions and powers of the said Chief Justice pertaining to Supernumerary Circuit Judges, Circuit Judges, Department of Court Management, the Permanent Study Commission on Alabama's Judicial System, the Supreme Court, The Judicial Conference, and the administration of justice in Alabama; to authorize the Chief Justice to obtain statistics, data and other factual information from court officials; and to authorize the assignment of Circuit Judges to temporary duty with the Appellate Courts.

By Mr. Warren:

H. 16. To amend Section 5 of Act No. 2307 of 1971 Regular Session relating to coverage of School Bus Drivers, etc., in the Teachers' Retirement System of Alabama.

By Mr. Pruitt, et al:

H. 41. To provide for the transfer of cases from the Alabama Court of Criminal Appeals and the Alabama Court of Civil Appeals to the Supreme Court of Alabama.

By Mr. Pruitt, et al:

H. 42. To amend Section 21 of Act No. 987, approved September 12, 1969, so as to provide that the Court of Criminal Appeals shall be composed of five judges who may sit in panels of three so long as three judges concur in the Court's decision; and to appropriate monies to carry out the provisions hereof.

By Mr. Jones (F), et al:

H. 91. To authorize and direct the State of Alabama Personnel Board to establish tax-deferred annuity and deferred compensation programs for salaried state employees; to provide for voluntary salary-reduction contributions by employees; to provide for payroll deductions of the contributions for participating employees; to provide for the adoption of consolidated billing and administrative services by the Personnel Board; to prohibit any conflict with the provisions of the State of Alabama Employees Retirement System.

By Mr. Hobbie, et al:

H. 87. To regulate the solicitation of advertisement by any person, firm or corporation who holds himself out to be affiliated with any State or Federal Peace Officers Association; to provide penalties for violation of this Act.

By Messrs. Smith (P) and Lyons:

H. 119. To amend Section 5 of Act No. 1957, H. 1851, Legislature of 1971, Regular Session, approved September 20, 1971, an Act to provide for the regulation of the custom application of pesticides by aircraft and ground equipment, etc., said Section 5 thereof relating to the bond or liability insurance required by persons engaged in the custom application of pesticides.

By Mr. Nettles, et al:

H. 132. To provide for a comprehensive land management and use program in flood-prone areas of this state so as to make flood insurance available under the National Flood Insurance Act of 1968; to declare the public need for such program; to define terms; to authorize the county governing body in each county to prescribe criteria for land management and use in such areas, including control measures, subdivision planning requirements, building and health code requirements;

to require certain permits prior to commencing construction; and to prescribe penalties for violations.

By Mr. Ellis, et al:

H. 128. To exempt from all state, county and municipal sales and use taxes all medicines prescribed by a physician for persons 65 years of age or older; to provide acceptable means of proof of age for the purposes of this Act; to provide a penalty the filing of any false proof of age; and to repeal all laws which are in conflict with this Act and especially Act Number 2128, Acts of Alabama 1971, Regular Session, approved September 20, 1971.

By Messrs. Wilson, Givhan and Branyon:

S. 116. To provide that all former Governors of the State of Alabama upon reaching age sixty (60) shall be entitled to monthly retirement pay out of the General Fund of the State Treasury.

ADJOURNMENT

At 6 o'clock P. M., on motion of Mr. Bailes, the Senate adjourned until Thursday, December 9, 1971, at 3 o'clock P. M.

SIXTH LEGISLATIVE DAY

THURSDAY, DECEMBER 9, 1971

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Mr. D. Ellis Walker, Minister, Capitol Heights Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	Horne	Owen
Bailes	Fine	Jones	Pelham
Branyon	Foshee	King	Pierce
Carr	Gilmore	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cook	Hammond	McLain	Vacca
Cooper	Harris	Noonan	Wilder
Dominick	Hawkins	O'Bannon	Wilson

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JOURNAL

On motion of Mr. Pelham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate

for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Pelham, leaves of absence were granted Messrs. Lindsey, Dozier, Malone and Weaver for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. McLain:

S. 120. To authorize the formation of professional corporations for the purpose of rendering professional services; to prescribe the manner of organization of such corporations; to limit the purposes of the organization of such corporations; to limit membership in or shareholders of such corporations to persons so licensed to practice in the State of Alabama; to regulate the naming of such corporations; to regulate the issuance of stock in such corporations; to regulate the rendering of professional services furnished by such corporations; to preserve professional relationships and regulations; to prohibit certain acts; to provide for severance of interests in such corporations; to provide for the death or disqualification of shareholders; to require the submission of annual certificates and reports; and to limit mergers or consolidations.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Pelham:

S. 121. Relative to municipalities in this state having a population of not less than 150,000 and not more than 300,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, convention and meeting facilities, providing ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity and providing off-street parking for the use of such enterprise; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages

executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor unless paid the reasonable value thereof; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; exempting any bonds issued under the act from the laws governing usury or prescribing or limiting interest rates; exempting the municipality from the provisions of Act No. 217 of the 1967 Special Session of the Legislature of Alabama, as amended, providing for competitive bidding, in connection with such properties and contracts and agreements in connection therewith; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 3. To amend the title and Section 1 of Act No. 120, H. 109, Special Session 1969 (Acts 1969, p. 190), which Act regulates the compensation of court reporters in certain counties classified according to population.

Also:

S. 74. Relating to counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance to the coroner of said counties in the amount of \$75.00 per month.

Also:

S. 73. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the Judge of Probate of such counties.

Also:

S. 70. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the tax collector of such counties.

Also:

S. 69. Relating to counties having populations of not less than 57,000 nor more than 61,000; to require the county commission in any such county to provide not less than 12 deputy sheriffs, and require one chief and two deputy jailors, and to prescribe the compensation of such deputies and jailors.

Also:

S. 58. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Twelfth Judicial Circuit of Alabama.

Also:

S. 57. To regulate further the excusing of persons from jury service in the Twelfth Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Also:

S. 39. To amend the title and Section 1 of Act No. 146, H. 185, Special Session 1967 (Acts 1967, p. 146), which Act provides for an expense allowance for each of the circuit judges in all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

Also:

S. 38. To amend the title and Section 1 of Act No. 148, H. 203, Special Session 1967 (Acts 1967, p. 197), which Act provides for an expense allowance for the district attorney of all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

Also:

S. 23. To authorize county solid waste and park and recreation authorities in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census to pay to the county health officer or his administrative assistant a monthly expense allowance.

Also:

S. 75. To provide for the reinstatement of certain persons holding permanent appointments in the classified service of the City of Dothan after having left such classified service to serve as heads of a department of government of such city or county with all their former status and rights pertaining thereto.

Also:

S. 4. To amend Section 38, Title 13 of the Code of Alabama, 1940, which places certain responsibilities, duties and functions upon the Chief Justice of the Supreme Court of Alabama; to further set forth additional responsibilities, duties, functions and powers of the said Chief Justice pertaining to Supernumerary Circuit Judges, Circuit Judges, Department of Court Management, the Permanent Study Commission on Alabama's Judicial System, the Supreme Court, The Judicial Conference, and the administration of justice in Alabama; to authorize the Chief Justice to obtain statistics, data and other factual information from court officials; and to authorize the assignment of Circuit Judges to temporary duty with the Appellate Courts.

JOHN W. PEMBERTON,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Benton and Kinsey:

H. 14. Relating to counties having a population of not less than 57,000 nor more than 61,000; requiring the rotation of duties among the county commissioners elected in each such county.

Also:

By Mr. Headley:

H. 104. Relating to counties having a population of not less than 25,150 nor more than 26,500 according to the most recent federal decennial census; to provide further for the type of newspapers in which certain notices required to be published in newspapers under the provisions of Section 713, Title 7, Code of Alabama 1940, may be published.

Also:

By Mr. Reed (T):

H. 112. To provide that there shall be three deputy sheriffs in counties having a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census.

Also:

By Mr. Brassell:

H. 123. To authorize the district attorney having jurisdiction in any county in the State of Alabama with a population of not less than 42,000 nor more than 49,500 to appoint an investigator or investigators and to prescribe their duties.

Also:

By Messrs. Flippo and Hill:

H. 140. To amend Act No. 1695, H. 2263, approved September 17, 1971, which relates to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants, according to the most recent federal decennial census, and creates a civil service board in said counties to assure the more efficient operation of the sheriff's department; amending such bill in relation to the work load of uniformed deputy sheriffs.

Also:

By Messrs. Drake and St. John:

H. 153. To allow prospective jurors to be excused without the presence of the defendant in the Thirty-second Judicial Circuit of Alabama.

Also:

By Messrs. McDonald, Drake and St. John:

H. 152. To Amend Section 35 of Act No. 30, approved May 31, 1963, Relating to The Official Court Reporter For The County Court of Marshall County, Alabama.

Also:

By Messrs. Drake and St. John:

H. 154. To provide for and regulate the selection and empaneling of alternate jurors for the trial of any case triable by jury in the circuit courts of the thirty-second judicial circuit.

Also:

By Messrs. Drake and St. John:

H. 155. Relating to judicial procedure in the Thirty-second judicial circuit; regulating and providing further for the separation of the jury by consent in capital or non-capital felony cases in such circuit.

Also:

By Messrs. Drake and St. John:

H. 156. To abolish the drawing of special venires in capital cases in the Thirty-second Judicial Circuit of Alabama.

Also:

By Mr. Casey:

H. 158. Relating to counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the most recent federal decennial census; to authorize the county governing bodies of such counties to appropriate \$675.00 each for the relief of J. W. Messer, Sr., J. M. Noles, and Doug Allen.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 14, 104, 112, 123, 140, 153, 152, 154, 155, 156 and 158. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McDonald, Drake and St. John:

H. 151. Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 151. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and

ordered same sent forthwith to the Senate without engrossment:

By Mr. Roberts, et al:

H. 81. To amend Section 2, subsection III. A. (23) (m) of Act No. 2, Second Special Session, 1971, which provides for appropriations from the State General Fund for the payment of subsidies for the Tuberculosis and Chronic Lung Disorders treatment.

Also:

By Mr. Merrill:

H. 1. To amend Act No. 74, Acts of Alabama, Special Session 1961, approved September 15, 1961, which provides for a Judicial Conference for the State of Alabama; to prescribe the membership thereof, their duties and terms of office.

Also:

By Messrs. Hardin, Bassett, Headley, Mims, Warren, McCorquodale, Bank and Culver:

H. 157. To amend Act No. 96, H. 17 of the Special Session of 1971, which raises revenue and for such purpose levies a privilege or license tax against persons on account of engaging in the business of leasing or renting tangible personal property, approved May 11, 1971, so as to provide that the department of revenue may authorize and provide for the payment of such tax quarterly instead of on a monthly basis.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B. 81. To the Committee on Finance and Taxation.

H. B.'s 1 and 157. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 6. Relative to the Jefferson County Transit Authority to make a long range study of the public transportation needs and to report such to the 1973 Legislature.

JOHN W. PEMBERTON,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 39. Commending L. V. Whitey for his long service to the United Steelworkers of America and to the working people of Alabama.

Also:

H. J. R. 41. Congratulating the Oneonta Football Team for being crowned co-champions of Alabama High School Football for Class 2A.

Also:

H. J. R. 42. Commending Terry Beasley for an outstanding career at Auburn University.

Also:

H. J. R. 43. Commending Pat Sullivan for an outstanding career at Auburn University.

Also:

H. J. R. 44. Mourning the death of Honorable Thomas A. Jones, Jr., former member of the House of Representatives.

Also:

H. J. R. 45. Congratulating and commending the Decatur High School Red Raiders football team and coaching staff.

Also:

H. J. R. 48. Congratulating Tarrant City High School Football Team for winning the State Championship for Class 3-A.

JOHN W. PEMBERTON,

Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 9. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Second Judicial Circuit of Alabama.

Also:

H. 10. To regulate further the excusing of persons from jury service in the Second Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Also:

H. 11. Relating to judicial procedure in the Second Judicial Circuit; regulating and providing further for the separation of the jury by consent in capital or non-capital felony cases in such circuit.

Also:

H. 12. Relating to the method of giving notice of the requirement of attendance of Jury service in the Second Judicial Circuit of Alabama.

Also:

H. 21. To fix the compensation of the sheriffs of all counties having populations of not less than 52,500 nor more than 54,000, according to the most recent federal decennial census; and to repeal conflicting laws.

Also:

H. 55. Relating to all counties having a population of not less than 30,000 nor more than 33,575; to provide further for the expenditure of pistol permit fees by the sheriff of such counties; to make the provisions of this act retroactive.

Also:

H. 109. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Twelfth Judicial Circuit of Alabama.

Also:

H. 110. To regulate further the excusing of persons from jury service in the Twelfth Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

JOHN W. PEMBERTON,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That the legislative membership on the Science, Engineering, and Technology Study Commission, created by Act 6, S. J. R. 2, 2nd Special Session, 1971, be increased as follows: 2 additional members of the Senate appointed by the President of the Senate; 2 additional members of the House of Representatives appointed by the Speaker of the House.

On motion of Mr. Owen, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Dominick offered the following Motion in Writing, to-wit:

"MOTION IN WRITING"

"In accordance with the notice in writing filed on the last legislative day, I now move that the Joint Rules of the two Houses of the Legislature of Alabama be amended by adding thereto the following new rule:

"When no opposition is made to a local bill or a general bill of local application in the committee to which it was assigned, such committee when favorably reporting the bill shall recommend that it be put on the uncontested local bill calendar. On the next legislative day, after receiving their second reading, all such bills shall be placed on the uncontested local bill calendar, which shall then lay over for one legislative day on the desk of the secretary or clerk and then immediately before bills on any special order or on the regular calendar are taken up, the bills on the uncontested local bill calendar shall be read and all such bills shall then be adopted en masse by a single motion and a single vote. Any member may object to the inclusion of any specific bill in the en masse adoption of bills, and that specific bill will then be taken up separately. All bills approved at a single en masse vote shall be sent to the second house on a single message and upon receipt in the second house, the bills shall be assigned to committee as other bills are and if there is no opposition to any such bill in the committee and the committee in the second house reports the bill favorably, it shall recommend that such bill be put on that house's uncontested local bill calendar; and the same procedure which was followed in the house in which the bill originated shall again be followed in the second house."

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gloor:

H. J. R. 53. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the House adjourns today it adjourns to meet again on Tuesday, December 14, 1971.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

Mr. Pelham offered the following amendment to the Resolution, H. J. R. 53, set out in the foregoing Message from the House, to-wit:

AMENDMENT TO H. J. R. 53

Amend H. J. R. 53 as follows:

Delete "House of Representatives" and substitute "Alabama Legislature".

Delete "Senate" and substitute "both Houses thereof".

Insert "and Senate" between the words "House" and "adjourn".

Which was adopted.

And said Resolution, H. J. R. 53, as thus amended, was then concurred in and adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 102. To provide for a comprehensive land management and use program in flood-prone areas of this state so as to make flood insurance available under the National Flood Insurance Act of 1968; to declare the public need for such program; to define terms; to authorize the county governing body in each county to prescribe criteria for land management and use in such areas, including control measures, subdivision planning requirements, building and health code requirements; to require certain permits prior to commencing construction; and to prescribe penalties for violations.

was taken up.

Mr. Owen offered the following substitute for the Bill, S. B. 102, to-wit:

SUBSTITUTE FOR S. B. 102

SYNOPSIS

To permit counties to meet the requirements of the National Flood Insurance Act of 1968 for flood prone areas.

A BILL TO BE ENTITLED AN ACT

To provide for a comprehensive land management and use program in flood-prone areas of this state and to allow governmental units of Alabama to meet the requirements of the National Flood Insurance Act of 1968; to declare the public need for such program; to define terms; to authorize the county governing body in each county to prescribe criteria for land management and use in such areas, including control measures, subdivision planning requirements, building and health code requirements; to require certain permits prior to commencing construction; and to prescribe penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act the following words and phrases unless otherwise clearly indicated shall mean:

"County governing body" means the chief administrative body of each county in this state.

"Flood" or "flooding" means the general and temporary condition of partial or complete inundation of normally dry land areas (a) from the overflow of streams, rivers and other inland waters or (b) from tidal surges, abnormally high tidal waters, tidal waves or rising coastal waters resulting from tsunamis, hurricanes, or other severe storms.

"Flood-prone area" means any area with a frequency of inundation of once in 100 years as defined by qualified hydrologists or engineers using methods that are generally accepted by persons engaged in the field of hydrology and engineering.

"Land use and control measures" means zoning ordinances, sub-

division regulations, building codes, health regulations and other applications and extensions of the normal police power to provide safe standards of occupancy for prudent use of flood-prone areas.

Section 2. Because of the great financial and economic loss, as well as human suffering, caused by floods and flooding in this state and despite plans and programs, directly or indirectly affecting the control of flood waters, and the reduction of flooding, there also exists a clear and definite public need for a program to provide flood insurance coverage in flood-prone areas of this state. It is the declared purpose of this act to provide in each county of this state a comprehensive land use management plan by:

- (a) constricting the development of land which is exposed to flood damage in the flood-prone areas;
- (b) guiding the development of proposed construction away from locations which are threatened by flood hazards;
- (c) assisting in reducing damage caused by floods; and
- (d) otherwise improving the long-range management and use of flood-prone areas.

Section 3. The county governing body in each county of this state is hereby authorized and may adopt zoning ordinances and building codes for flood-prone areas which lie outside the corporate limits of any municipality in the county. Each such governing body shall have broad authority to establish or cause to be established comprehensive land use and control measures which shall specifically include the control and development of subdivisions in flood-prone areas; to establish or cause to be established building codes and health regulations incorporating such minimum standards as shall be necessary to reduce flood damage in flood-prone areas; to provide such standards of occupancy for the prudent use of flood-prone areas in the county; to provide for the preparation of maps clearly delineating flood-prone areas and floodways in the county and to keep the same for public inspection; to make such studies as may be necessary to carry out the purposes of this act; to employ such technical and/or advisory personnel including the establishment of a county planning commission, as is deemed necessary or expedient; and to adopt ordinances for the enforcement of all such regulations.

Section 4. Land use and control measures shall provide land use restrictions based on probable exposure to flooding. Measures specified in this section shall:

- (a) prohibit inappropriate new construction or substantial improvements in the flood-prone areas;
- (b) Control land uses and elevations of all new construction within the flood-prone area;
- (c) for coastal flood-prone areas prescribe land uses and minimum elevations of the first floors or buildings and include consideration of the need for bulkheads, seawalls and pilings;
- (d) be based on competent evaluation of the flood hazard as revealed by current authoritative flood-prone information;
- (e) be consistent with existing flood-prone management programs affecting adjacent areas and applicable to appropriate state standards; and
- (f) prescribe such additional standards as may be necessary to comply with federal requirements for making flood insurance coverage

under the National Flood Insurance Act of 1968 available in this state.

Section 5. In addition to land use restrictions commensurate with the degree of the flood hazards in various parts of the area, there shall be such subdivision regulations as may be necessary:

- (a) to prevent the inappropriate development of flood-prone lands;
- (b) to encourage the appropriate location and elevation of streets, sewers, and water systems and the reservation of adequate and convenient open space for utilities;
- (c) to provide for adequate drainage so as to minimize exposure to flood hazards and to prevent the aggravation of flood hazards; and
- (d) to require such minimum elevation of all new development as required.

Section 6. Building codes and health regulations shall include all applicable state and local provisions and shall cover all public and private construction and development in flood-prone areas including, but not limited to, private homes; farm buildings; all buildings (except accessory buildings of under 200 square feet of floor space); streets, avenues, roadways, alley ways and easements; electricity, water systems and sewerage disposal systems. Such regulations may require that all proposed improvements and developments in flood-prone areas will:

- (a) properly elevate structures so as to assure protection from reasonable expected flooding;
- (b) design buildings so as to prevent flotation and collapse, giving special attention to the adequacy of foundations and to prevent damage to non-structural elements;
- (c) provide for the protection of heating systems and other critical mechanical or electrical installations from damage by flooding;
- (d) not create unhealthful areas of pondage or accumulation of debris and obstacles in flooding situations;
- (e) provide adequate controls on the placement of septic tanks to avoid contamination during flooding;
- (f) provide adequate sewerage and water systems which will not be adversely affected by flooding; and
- (g) require and encourage flood proofing, to the maximum extent practicable in connection with all proposed major improvements, repairs, and rehabilitations of existing structures.

Section 7. The county governing body desiring to participate in this program shall require every person, firm, corporation or agency to submit plans and specifications for all proposed construction and development in flood-prone areas lying outside the corporate limits of municipalities of the county prior to commencing operations. If such plans and specifications conform in every respect with the applicable specifications, rules and regulations adopted by the governing body of the county, said governing body shall issue a permit therefor and shall charge such issuance fee as the governing body shall agree is just and reasonable. All such fees shall be deposited in a special fund in the county treasury and shall be used to enforce the provisions of this act and no permits shall be issued for any construction or development for which plans and specifications are not in substantial compliance with the specifications, rules and regulations adopted by the county governing body; provided, nothing in the foregoing shall be construed

to require a permit for, or otherwise relate to, the location, erection, construction, reconstruction, alteration or maintenance of utility poles, towers, lines, conduits, pipes, mains, or of any utility facilities constructed pursuant to authority conferred by statutes, franchises, certificates of convenience and necessity, licenses or easements.

Section 8. COUNTY PLANNING COMMISSION: CREATION AND MEMBERSHIP. The county governing body of any county may, by resolution or ordinance, create a county planning commission for the purpose of enforcing this Act. The county governing body shall appoint not less than five (5) nor more than eleven (11) members to the commission. The Probate Judge, chairman or similar presiding officer of the county governing body, shall be an ex officio member of said commission and shall vote only in case of a tie vote at a meeting wherein the entire membership is present and has voted. Members of the county governing body may serve as members of the planning commission notwithstanding the provisions of Title 12, Section 7, of the Code of Alabama or any other provisions limiting the offices such governing officials may hold. The term of the ex officio member shall correspond to his official tenure. The terms of each appointive members shall be four (4) years; provided, that, in the initial appointments to the commission a majority, but not exceeding three-fifths ($3/5$) of the total membership of the commission, shall be appointed for two (2) years and the remaining members of four (4) years; and provided further, that any members of the county governing body appointed to the planning commission for a term exceeding their official tenure as a member of the county governing body shall, notwithstanding, continue to be a members of the said commission until the expiration of their appointment as such unless otherwise removed as subsequently provided in this section. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the original appointment. Any appointed member of the commission shall be subject to removal by the county governing body for cause after written notice. All members of the county planning commission shall serve as such without compensation.

Section 9. ORGANIZATION, RULES, OFFICERS, STAFF AND FINANCES. The county planning commission shall adopt bylaws for the transaction of business and shall keep a record of its transactions, resolutions, findings, and determinations, which record shall be a public record. The county planning commission shall elect a chairman and a vice chairman from among the appointed members who shall serve for one (1) year with eligibility for re-election. The county planning commission shall appoint a secretary who may be an officer or an employee of the county governing body or a member of the county planning commission. The county planning commission shall meet at least once each month at the call of the chairman and at such other times as the chairman or county planning commission may determine. The county planning commission may appoint such employees and staff as it may deem necessary for its work. In the performance of its duties, the county planning commission may cooperate with, contract with, or accept funds from federal, state, or local public or semi-public agencies or private individuals or corporations, may expend such funds, and may carry out such cooperative undertakings and contracts. It may make expenditures for the purchase of required equipment and supplies. The expenditures of the county planning commission, exclusive of gifts, grants or contract receipts, shall be within the amounts appropriated for the purpose by the county governing body.

Section 10. COUNTY PLANNING COMMISSION: POWERS AND DUTIES. It shall be the function and duty of the county planning commission to make and maintain comprehensive surveys and studies of existing conditions and probable future developments in the flood-

prone area of the county and to prepare comprehensive plans for physical, social and economic growth as will best promote the public health, safety, morals, convenience, prosperity, or the general welfare as well as efficiency and economy in the development of the flood-prone area of the county. The county planning commission shall have the authority to:

(a) Promote public interest and understanding of the economic and social necessity for long term, coordinated county planning;

(b) Confer and cooperate with the federal, state, municipal, and other county and regional authorities regarding matters pertaining to, or affecting the planning or development of said county, or vice versa, for the purpose of assuring proper coordination of county development with that of other political subdivisions.

(c) Prepare and recommend for adoption to the appropriate county governing body or authorities a zoning ordinance and map for the flood-prone area of the county.

(d) Prepare and recommend for adoption to the appropriate county governing body or authorities regulations for the subdivision of land within the flood-prone areas of the county jurisdiction, and to administer the regulations that they may be adopted.

Upon request of the county planning commission, the county governing body may from time to time, for the purpose of special surveys under the direction of the county planning commission, assign to the county planning commission members of the staff or the personnel of any county administrative department, bureau or agency, or may direct any such department, bureau or agency, to make special surveys or studies for the county planning commission. All public officials, departments and agencies may upon request furnish the county planning commission, within a reasonable time, with such available information as it may require for its work. The county planning commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make necessary examinations and surveys. In general, the commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties.

Section 11. SUBDIVISION REGULATIONS: AUTHORIZATION. The county governing body of any county is hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land, as defined by this act, lying within the flood-prone area of the county. The county planning commission shall have the authority to prepare and submit to the county governing body for its consideration and adoption, regulations governing the subdivision of land within its jurisdiction. Before the county governing body may adopt subdivision regulations or any amendment thereto under the provisions of this act, the said county governing body shall hold a public hearing on the proposed regulations. A notice of said public hearing shall be given once a week for two (2) consecutive weeks in a newspaper of general circulation in the county and a copy of the proposed subdivision regulations shall be made available to any interested person before said public hearing. A copy of the subdivision regulations as adopted shall be certified to the office of the Judge of Probate.

Section 12. SUBDIVISION REGULATIONS: PLANNING COMMISSION AS PLATTING AUTHORITY. Whenever subdivision regulations have been adopted by the county governing body as provided herein, then no plat of a subdivision that lies within the flood-prone area of the county shall be filed or recorded in the office of the Judge of Probate of the county until it shall have been submitted to and ap-

proved by the county planning commission and such approval entered in writing on the plat by the chairman and secretary of the county planning commission.

Section 13. SUBDIVISION REGULATIONS: PROVISIONS OF REGULATIONS. In exercising the powers granted to it by this act, the county planning commission shall prepare and recommend to the county governing body for adoption regulations governing the subdivision of land within the flood-prone area of the county. Such regulations may provide for the harmonious development of the flood-prone area of the county; for the coordination of streets within subdivisions with other existing or planned streets; for the size of blocks and lots; for the dedication or reservation of land for streets, school sites, and recreation areas and of easements for utilities and other public services and facilities; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity, or general welfare.

Such regulations may include requirements as to the extent to which and the manner in which streets shall be graded, surfaced, and improved, and water, sewers, septic tanks, as required by state health regulations, and other utility mains, piping, connections, or other facilities shall be installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work and installations previous to the final approval of a plat, the county governing body of the county may accept a bond, in any amount and surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installations of such improvements and utilities within a period specified by the county planning commission and expressed in the bond; and the county is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies.

For the purpose of this act, "subdivision" means the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Section 14. PROCEDURE FOR APPROVING SUBDIVISION PLAT. The county planning commission shall act to approve or disapprove a subdivision plat within thirty (30) days after its submission; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the county planning commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period. The grounds for disapproval of any plat shall be stated upon the records of the county planning commission. Any plat submitted to the county planning commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the commission without a public hearing thereon. Notice shall be sent to the said address by registered mail of the time and place of such hearing not less than five (5) days before the date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the county tax assessor's office or on the tax records of the county. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat.

Section 15. PENALTIES FOR TRANSFERRING LOTS IN UN-APPROVED SUBDIVISIONS. Whoever, being the owner or agent of the owner of any land located within a subdivision within the flood-

prone areas, transfers or sells or agrees to sell or negotiates to sell any land by reference to, or exhibition of, or by other use of a plat of a subdivision before such plat has been approved by the county planning commission and recorded or filed in the office of the Judge of Probate, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law; and the description of such lot or parcel by metes and bounds in the instrument of transfer or conveyance or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or remedies herein provided. The county governing body may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

Section 16. ZONING: GRANT OF POWER. For the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the state and counties, any county governing body is hereby empowered to divide the portion of the county within the flood-prone area of the county into districts of such number, shape and area as may be found best suited to carry out the purposes of this act, and to provide within such districts for standards relating to the location, bulk, height, minimum elevation, number of stories, and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of population, the uses of buildings, structures, and of land for trade, residence, recreation, agriculture, forestry, conservation, water supply, sanitation, floodways, public activities, and other purposes. Such provision shall be made in accordance with a comprehensive plan of the flood-prone area and shall be designed to lessen congestion in the streets and highways; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water supply, sewerage, schools, parks, and other public requirements. Such provision shall be made with reasonable consideration, among other things, of the character of the land and district and its peculiar suitability for particular uses and with a view of promoting desirable living conditions, sustaining the stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings, and encouraging the most appropriate use of land and of buildings and structures throughout the flood-prone area of the county.

Section 17. TERRITORY WHICH MAY BE ZONED. For the purpose of providing for the division of the territory into districts, consonant with the conditions provided in this section, the county planning commission may make and certify to the county governing body a single zoning plan for all the territory of the area which lies within the jurisdiction of the county planning commission or may make and certify separate and successive zoning plans for parts of the flood-prone area for which technical information is available or which for other reasons it deems to have appropriate territorial unity for a zoning plan; and correspondingly any zoning ordinance or resolution enacted by the county governing body may cover and include the whole territory lying within its jurisdiction or such territory as the commission deems to be appropriate territorial unit for a zoning plan; provided, however, no resolution governing more or less than the entire area be enacted or put into effect until it is first submitted to the county planning commission for additional review and comment.

Section 18. ZONING ORDINANCE: PREPARATION, ADOPTION AND PUBLIC HEARINGS. The planning commission shall have the

duty of preparing a zoning plan, including both the written provisions of the ordinance and a map or maps showing the district boundaries. The commission may hold such public hearings as it deems necessary concerning the zoning ordinance. It shall certify the zoning ordinance and map to the county governing body.

On receipt of a zoning ordinance and map from the county planning commission, the county governing body shall hold a public hearing thereon, after which it may adopt the zoning ordinance and map as recommended, adopt it with modifications, or reject it.

The zoning ordinance, including the map or maps, may from time to time be amended, supplemented, changed, modified, or repealed. No amendment shall become effective unless it first be submitted to the county planning commission for its recommendations; failure of the county planning commission to make recommendations for a period of thirty (30) days after the amendment has been referred to it shall constitute a favorable recommendation. No amendment may be adopted until after a public hearing thereon as prescribed above.

A notice of any public hearing required herein shall be given once a week for two (2) consecutive weeks in a newspaper published in the county, or, if there be no newspaper published in the county, by posting such notice at four (4) public places in the county, said notice to be published the first time or posted not less than fifteen (15) days prior to the date fixed for said hearing. Said notice of public hearing shall include:

- (a) Date of hearing;
- (b) Location of hearing;
- (c) Location where proposed amendment may be reviewed by the public;
- (d) Time of public hearing.

Section 19. COUNTY BOARD OF ADJUSTMENT. In availing itself of the powers conferred by this article, the county governing body shall provide for the appointment of a board of adjustment and may provide that the said board of adjustment shall in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning ordinance or regulations in harmony with its general purposes and interests and in accordance with general or specific rules adopted pursuant to this article.

The board of adjustment shall consist of five (5) members who shall be appointed from the residents of the county by the county governing body to serve for a term of three (3) years; provided that in establishing the board of adjustment, the county governing body may designate the terms of the members first appointed on such basis that the term of one (1) member will expire each year thereafter. Such members shall be removable for cause by the county governing body upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member by interim appointees designated by the county governing body. The board shall select its chairman and adopt rules in accordance with the provisions of any ordinance adopted pursuant to this article. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records or examinations and other official actions, all of which shall

be immediately filed in the office of the board and shall be a public record. Appeals to the board of adjustment may be taken by any person aggrieved or by any county official or administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and with the board of adjustment. The officer from whom the appeal is taken shall transmit forthwith to the board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall have the following powers:

(a) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative body or official in the enforcement of this article or of any ordinance adopted pursuant thereto;

(b) to hear and decide on requests for special exceptions to the term or provisions of the ordinance upon which such board is required to pass; and

(c) to authorize upon appeal in special cases such variance from the yard, open space, bulk and height requirements of the ordinance as will not be contrary to the public interest, where, owing to special conditions of the building site or land, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, all in order that the spirit of the ordinance shall be observed and substantial justice done; provided, however, that nothing in this act shall authorize the board of adjustment to approve a use not permitted by the zoning ordinance for the district in which the building site is located.

In exercising the above-mentioned powers such board may, in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make any such order, requirement, decision, or determination as ought to be made, and, to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called on by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Section 20. REMEDIES. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any subdivision is established, or land used in violation of this article or of any ordinance or other regulation made under the authority conferred hereby, the county attorney, or other appropriate administrative officer of the county in which the violation occurs may institute any appropriate action or proceedings to prevent such unlaw-

ful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or subdivision of the land or use of the land to restrain, correct, or abate such violation, or to prevent the occupancy of any such building, structure, subdivision of land or to prevent any illegal act, conduct, business, or misuse in or upon any premises regulated under the authority conferred by this article.

Section 21. APPEALS. Any party aggrieved by any final judgment or decision of a board of adjustment established pursuant to the provisions of this act may within fifteen (15) days thereafter appeal therefrom to the court having jurisdiction within the county wherein the affected property of the aggrieved party is located, by filing with such board a written notice of appeal specifying the judgment or decision from which appeal it taken. In case of such appeal such board shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken and the cause in such court shall be tried de novo.

Section 22. CONFLICT WITH OTHER LAWS. Wherever the regulations made under authority of this act require a greater width or size of yards or open spaces, or require a lower height of buildings, or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other local statute or like ordinance or regulation, the provisions of the regulations made under the authority of this act shall govern herein. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, or other open space, or require a lower height of buildings, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by regulations made under authority of this article the provisions of such statute or local ordinance or regulation shall govern.

Section 23. Any person, firm, corporation or agency who in violation of this act, fails to obtain the permit required herein or who violates any provision of the building code or zoning ordinances or other regulation, ordinance, code, shall be guilty of a misdemeanor, and upon conviction may be fined not more than \$500, or may be imprisoned in the county jail for not more than one year or may be both fined and imprisoned.

Section 24. This act shall not be construed to impair the right of eminent domain granted heretofore or hereafter by the laws of this state to utilities, whether public or private, or their right to design, locate, erect, construct, reconstruct, alter or maintain utility poles, towers, lines, conduits, pipes, or mains reasonably required in the public service, or their right to exercise authority conferred by statute, franchise, certificate of convenience and necessity, license, or easement.

Section 25. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 26. All laws or parts of laws which conflict with this act are repealed.

Section 27. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Branyon	Cooper	Edington
Bailes	Clark	Dominick	Fine

Foshee	Jones	Noonan	Register	
Gilmore	King	Owen	Shelby	
Hammond	Littleton	Pelham	Vacca	
Hawkins	Lybrand	Pierce	Wilder	
Horne	McLain			—25
<i>Nays:</i>				—0

And said Bill, S. B. 102, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Owen	
Bailes	Foshee	King	Pierce	
Branyon	Gilmore	Littleton	Register	
Clark	Givhan	Lybrand	Shelby	
Cooper	Hawkins	McLain	Vacca	
Dominick	Horne	Noonan	Wilder	
Edington				—24
<i>Nays:</i>				—0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Littleton, further consideration of the Bills, H. B.'s 47 and 48, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 54. To amend Section 7 of Act No. 993 (H. 1089) enacted at the 1971 regular session of the Legislature of Alabama, applicable to any county having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census, so as to provide for the appointment by the governing body of the principal municipality in such county of two (2) Directors for the county transit authority provided for by said Act, and to provide for the initial terms of office of such Directors appointed by such principal municipality.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pelham	
Bailes	Foshee	Littleton	Pierce	
Carr	Gilmore	Lybrand	Register	
Clark	Hammond	McLain	Vacca	
Cook	Harris	O'Bannon	Wilder	
Dominick	Hawkins	Owen	Wilson	
Edington	Jones			—25
<i>Nays:</i>				—0

The Bill:

H. 58. To amend Section 1 of Act No. 462, H. 833, Regular Session 1939 (Local Acts 1939, p. 277), as amended by Act No. 193, H. 556, Regular Session 1965 (Acts 1965, p. 276) (codified at Section 138, Title 62, Code of Alabama 1940, Recompiled 1958), which provides for the

maintenance of law libraries in Jefferson County by authorizing the collection of a tax paid as a part of court costs in actions in Jefferson County courts; provides for the maintenance and expense of such funds, and provides for the method of use of such funds, by increasing the tax from ten cents to fifty cents in each civil case filed in certain statutory inferior courts in Jefferson County (other than in the Birmingham Division).

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 58, to-wit:

AMENDMENT TO H. B. 58

Amend H. B. 58, both title and text, by deleting therefrom the words "fifty cents" wherever they appear, and inserting in lieu thereof the words "twenty-five cents".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Gilmore	Lybrand	Pierce	
Carr	Hammond	McLain	Register	
Clark	Harris	Noonan	Vacca	
Cook	Hawkins	O'Bannon	Wilder	
Dominick	Jones	Owen	Wilson	
Edington	King			—25

Nays:

—0

And said Bill, H. B. 58, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Gilmore	Lybrand	Pierce	
Carr	Hammond	McLain	Register	
Clark	Harris	Noonan	Vacca	
Cook	Hawkins	O'Bannon	Wilder	
Dominick	Jones	Owen	Wilson	
Edington	King			—25

Nays:

—0

The Bill:

S. 92. To amend Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, relating to the registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

was taken up.

Mr. Dominick offered the following substitute for the Bill, S. B. 92, to-wit:

SUBSTITUTE FOR S. 92

SYNOPSIS

Requires board of registrars in Jefferson County to meet upon petition of 25 or more persons in any precinct of the county for the purpose of registering voters.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, relating to the registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, is hereby further amended to read as follows:

"Section 3. The board of registrars shall meet for the purpose of registering qualified persons as voters or electors at the courthouse on each Monday, Tuesday and Wednesday in each week; provided, that if there is in any of the counties described in Section 1 hereof a branch courthouse, the board of registrars shall meet at such branch courthouse on the last Wednesday in each month and on the preceding Monday and Tuesday for the purpose of registering qualified persons as voters or electors; provided further, that in any counties where a branch courthouse is located, and there is in any such county a city with at least 15,000 population and not over 18,000 population in which there is no branch courthouse located the board of registrars shall meet on the second Tuesday of each month in said city; provided further, that the board of registrars shall not meet in any place unless accommodations and necessary facilities for registering qualified persons as voters or electors are furnished for the board; provided further, that the board of registrars, upon petition of twenty-five or more resident citizens of any precinct, shall meet in a regularly designated polling place in such precinct of the county on any Thursday or Friday of any week for the purpose of registering qualified persons as voters or electors; provided further, that the board of registrars shall not, during the two weeks immediately preceding any regular or special municipal, county, state or federal primary or general election, register any person who will be entitled to vote at such election. In the event that the board of registrars meets pursuant to the fourth proviso of the next preceding sentence, they shall give at least twenty days notice of the date and time when, and the place and the precinct where, they will meet to register qualified persons as voters or electors, by bills posted at three or more public places in the precinct where they will so meet, and by notice one time in a newspaper of general circulation in the county. The provisions of Sections 26, 27, Title 17, Alabama Code of 1940, and said Act No. 668, approved October 8, 1947, and of Act. No. 6, General Laws of Alabama (Fourth Special Session), approved August 11, 1950, insofar as said Code sections and said acts fix the time when the board of registrars shall or may meet for registering qualified voters or electors, shall have no application in any of the counties described in Section 1 of this Act."

Section 2. This Act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce
Bailes	Gilmore	McLain	Register
Carr	Hammond	Noonan	Shelby
Clark	Hawkins	O'Bannon	Vacca
Cook	Jones	Owen	Wilder
Dominick	King	Pelham	Wilson
Edington	Littleton		

—25

On motion of Mr. Dominick, further consideration of the Bill, S. B. 92, as amended by the substitute, was postponed temporarily.

The Bill:

S. 104. To amend Sections 7 and 14 of Act No. 1981, H. 732, 1971 Regular Session, effective September 30, 1971, entitled: "To establish the Alabama Peace Officers Standards and Training Commission; to prescribe its functions, duties and powers relating to the selection, recruitment and training of law enforcement officers and the work of law enforcement agencies in the State; to prescribe minimum standards for law enforcement officers; to grant to the Commission power to establish standards and issue and promulgate rules and regulations; to make the violation of certain provisions of this Act or the standards, rules and regulations of the Commission a misdemeanor; to establish the Alabama Peace Officers Standards and Training Commission Fund to make biennial appropriations from such Fund to the Commission for the fiscal years 1971-72 and 1972-73; to authorize participation in the program of the Commission by State, county and municipal law enforcement agencies."

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Fine	Horne	Owen
Bailes	Foshee	Jones	Pierce
Branyon	Gilmore	King	Register
Clark	Givhan	Littleton	Shelby
Cook	Hammond	Lybrand	Vacca
Cooper	Hawkins	Noonan	Wilder
Dominick			

—24

Nays:

—0

The Bill:

S. 105. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Fourteenth Judicial Circuit of Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Messrs.:	Branyon	Clark	Edington
Bailes	Carr	Cook	Fine

Hammond
Harris
Hawkins
Horne
Jones

King
Littleton
Lybrand
McLain
Noonan

O'Bannon
Owen
Pelham
Pierce

Register
Shelby
Vacca
Wilson

—25

Nays:

—0

CALENDAR BILL POSTPONED TO DAY CERTAIN

On motion of Mr. Lybrand, further consideration of the Bill, S. B. 106, was postponed until the Eighth Legislative Day.

BILLS ON THIRD READING RESUMED

The Bill:

S. 107. To repeal Act No. 5, H. 84 of the Second Special Session of 1971, approved December 1, 1971, entitled "An Act, To provide that in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census, a person is found guilty or plead guilty, courts may, without entering judgment of guilty and with the consent of such person, defer proceedings and place on probation; that may discharge from probation before end of probation period; that at the end of probation period, shall discharge and dismiss such proceeding; that such discharge and dismissal makes it a non-public record; that discharge and dismissal may occur only once to such person; that if under 21 at the time of offense, such person may apply to expunge official records and restore to status occupied prior thereto; and that not guilty of perjury or false statement for failing to reveal such proceedings."

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:
Bailes
Branyon
Carr
Clark
Cook
Cooper

Dominick
Fine
Foshee
Gilmore
Givhan
Hammond
Harris

King
Littleton
Lybrand
McLain
Noonan
O'Bannon

Owen
Pelham
Pierce
Shelby
Wilder
Wilson

—25

Nays:

—0

The Bill:

S. 109. To amend Section 5 of Act No. 2280, S. 478, Regular Session 1971, approved October 1, 1971, which established a county-wide personnel system for all counties having a population of not less than 150,000 nor more than 180,000, by authorizing the granting of either compensatory leave or overtime pay to employees.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:
Carr

Clark
Cook

Cooper
Dominick

Edington
Foshee

Gilmore	Jones	Noonan	Shelby	
Givhan	King	O'Bannon	Vacca	
Hammond	Littleton	Owen	Wilder	
Harris	Lybrand	Pierce	Wilson	
Hawkins	McLain			—25

Nays: —0

The Bill:

S. 113. To further amend Section 13 of Act No. 934 approved September 9, 1961, General Acts of Alabama, 1961, Vol. II, page 1506, as amended, entitled: "An Act, To provide for a program of tax equalization of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census; to more fully define the duty, authority and responsibility of the Tax Assessor of such counties in the matter of equalizing assessments of real property within such counties; to provide for the division of such counties into districts for the purpose of tax assessment records; to require that certain records be kept and maintained on a current basis by the Tax Assessor of such counties; to describe the manner in which such records are to be kept; to provide a time within which the equalization program required herein is to be initially completed; to provide for a continuous program of appraisal of real property within such counties; to provide for the assessments of improvements to real property within such counties; to prescribe penalties for failure to assess, or properly assess, improvements to real property within such counties; to prohibit the remittance of any such penalties except as provided for by this Act; to provide for the publishing of reports of the progress of the carrying out of the provisions of the Act; to provide for a portable set of assessment records for use by appraisers appointed by the Tax Assessor; to define the duties of the Board of Equalization in such counties in the matter of the equalization of assessments of real property, to provide that no outstanding obligations against the proceeds of any tax derived from assessments of real properties in such counties shall be impaired by the provisions of this Act; to provide for appeals of any assessment made by the Tax Assessor or ruling of the Board of Equalization of such counties; to provide for the necessary personnel, supplies, materials, and equipment to carry out the provisions of this Act and to provide the manner in which personnel are to be appointed in such counties; to provide for the severability of the provisions of the Act; to repeal all laws or parts of laws in conflict with the provisions of this Act."

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Branyon	Fine	Littleton	Register	
Carr	Foshee	Lybrand	Shelby	
Clark	Harris	McLain	Vacca	
Cook	Hawkins	Noonan	Wilder	
Cooper	Horne	Owen	Wilson	
Dominick	Jones			—25

Nays: —0

The Bill:

S. 118. Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most recent Federal Decen-

nial Census; to provide additional compensation for the court reporter of the county court in such counties.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham
Bailes	Foshee	Lybrand	Pierce
Carr	Gilmore	McLain	Register
Cook	Givhan	Noonan	Shelby
Cooper	Hammond	O'Bannon	Vacca
Dominick	Harris	Owen	Wilson
Edington	King		

—25

Nays:

—0

The Bill:

H. 70. To provide for an additional eighteen hundred dollar (\$1,800.00) expense allowance for the county treasurer of counties having a population of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham
Bailes	Foshee	Lybrand	Pierce
Branyon	Gilmore	McLain	Register
Carr	Givhan	Noonan	Shelby
Clark	Horne	O'Bannon	Vacca
Cook	Jones	Owen	Wilson
Edington	King		

—25

Nays:

—0

The Bill:

H. 72. Relating to St. Clair County; providing for the reorganization of the government of the county; abolishing the Court of County Commissioners and creating in lieu thereof the St. Clair County Commission and designating its members; providing for the manner in which their successors shall be elected and prescribing their qualifications, terms and compensation; providing for the organization and jurisdiction of the commission and the powers and duties of its members; providing for the employment of a county engineer pursuant to Act No. 1728, H. 2522, Regular Session 1971; repealing conflicting laws; providing for effective date of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Bailes	Givhan	Littleton	Pelham
Carr	Hammond	Lybrand	Shelby
Cook	Harris	McLain	Vacca
Cooper	Hawkins	Noonan	Wilder
Dominick	Horne	O'Bannon	Wilson
Edington	Jones		

—25

Nays:

—0

The Bill:

H. 20. To apply only to counties having a population of not less than 49,000, nor more than 52,000; to fix the salary and allowances of the coroner in such counties; to provide for salary and allowances when said coroner is called upon to serve as sheriff, and to provide for a referendum.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Jones	Pelham
Clark	Gilmore	King	Pierce
Cook	Givhan	Littleton	Register
Cooper	Hammond	Lybrand	Shelby
Dominick	Harris	McLain	Wilder
Edington	Hawkins	O'Bannon	Wilson
Fine	Horne		

—25

Nays:

—0

The Bill:

H. 111. To amend Section 3 of Act No. 1958, H. 1874, 1971 Regular Session, approved September 20, 1971, entitled "An Act Relating to counties having populations of not less than 55,000 nor more than 56,500; to create in each of such counties a coliseum authority as a public corporation; for the purpose of providing a coliseum and related structures in such county; to provide for the appointment, term, and qualifications of the members of such authority; to prescribe the powers, duties and functions of said authority, including the power of eminent domain; to provide certain insurance coverage; to authorize the sale and issuance of interest bearing revenue bonds and refunding said bond; to declare such bonds to be negotiable instruments; to exempt from taxation properties of said authority and the income therefrom, and the bonds and the income therefrom; and to levy a privilege tax on lodgings in each county coming under this act as a means of financing such coliseum and provide for its collection," so as to change the membership of the coliseum authority created by this Act.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 111, to-wit:

AMENDMENT TO H. 111

Amend the title of H. 111 by deleting, beginning on line 14, the following:

"and to levy a privilege tax on lodgings in each county coming under this act as a means of financing such coliseum and provide for its collection,"".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Carr	Cooper	Foshee
Bailes	Clark	Dominick	Gilmore
Branyon	Cook	Fine	Givhan

Hammond	Lybrand	Owen	Register	
Harris	McLain	Pelham	Shelby	
King	Noonan	Pierce	Wilson	
Littleton	O'Bannon			—25
<i>Nays:</i>				—0

And said Bill, H. B. 111, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	King	Owen	
Bailes	Fine	Littleton	Pelham	
Branyon	Foshee	Lybrand	Pierce	
Carr	Gilmore	McLain	Register	
Clark	Givhan	Noonan	Shelby	
Cook	Hammond	O'Bannon	Wilson	
Cooper	Jones			—25
<i>Nays:</i>				—0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Fine, further consideration of the Bill, H. B. 3, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 16. To amend Section 5 of Act No. 2307 of 1971 Regular Session relating to coverage of School Bus Drivers, etc., in the Teachers' Retirement System of Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Owen	
Bailes	Fine	King	Pelham	
Branyon	Gilmore	Littleton	Pierce	
Carr	Givhan	Lybrand	Shelby	
Clark	Hammond	McLain	Vacca	
Cooper	Horne	Noonan	Wilder	
Dominick				—24
<i>Nays:</i>				—0

The Bill:

H. 41. To provide for the transfer of cases from the Alabama Court of Criminal Appeals and the Alabama Court of Civil Appeals to the Supreme Court of Alabama.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Carr	Edington	Givhan
Bailes	Clark	Fine	Hammond
Branyon	Cooper	Foshee	Horne

Jones	Lybrand	O'Bannon	Shelby	
King	McLain	Owen	Vacca	
Littleton	Noonan	Pierce	Wilder	
				—23

Nays: —0

The Bill:

H. 42. To amend Section 21 of Act No. 987, approved September 12, 1969, so as to provide that the Court of Criminal Appeals shall be composed of five judges who may sit in panels of three so long as three judges concur in the Court's decision; and to appropriate monies to carry out the provisions hereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pelham	
Bailes	Givhan	Lybrand	Pierce	
Branyon	Hammond	McLain	Shelby	
Clark	Hawkins	Noonan	Vacca	
Cooper	Horne	O'Bannon	Wilder	
Edington	Jones	Owen	Wilson	
Fine	King			—25

Nays: —0

The Bill:

H. 91. To authorize and direct the State of Alabama Personnel Board to establish tax-deferred annuity and deferred compensation programs for salaried state employees; to provide for voluntary salary-reduction contributions by employees; to provide for payroll deductions of the contributions for participating employees; to provide for the adoption of consolidated billing and administrative services by the Personnel Board; to prohibit any conflict with the provisions of the State of Alabama Employees Retirement System.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Edington	Hawkins	O'Bannon	
Bailes	Fine	Horne	Owen	
Branyon	Foshee	Jones	Pierce	
Cook	Gilmore	King	Vacca	
Cooper	Givhan	Littleton	Wilder	
Dominick	Hammond	McLain		—22

Nays: —0

FURTHER CONSIDERATION OF S. B. 92

On motion of Mr. Dominick, the Senate reconsidered the vote by which the substitute for the Bill, S. B. 92, was adopted.

On motion of Mr. Dominick, said substitute was laid on the table.

Mr. Dominick then offered the following substitute for the Bill, S. B. 92, to-wit:

SUBSTITUTE FOR S. 92

SYNOPSIS

Permits board of registrars in Jefferson County to meet in the several precincts of the county for the purpose of registering voters.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, relating to the registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, is hereby further amended to read as follows:

"Section 3. The board of registrars shall meet for the purpose of registering qualified persons as voters or electors at the courthouse on each Monday, Tuesday and Wednesday in each week; provided, that if there is in any of the counties described in Section 1 hereof a branch courthouse, the board of registrars shall meet at such branch courthouse on the last Wednesday in each month and on the preceding Monday and Tuesday for the purpose of registering qualified persons as voters or electors; provided further, that in any counties where a branch courthouse is located, and there is in any such county a city with at least 15,000 population and not over 18,000 population in which there is no branch courthouse located the board of registrars shall meet on the second Tuesday of each month in said city; provided further, that the board of registrars shall not meet in such city unless accommodations and necessary facilities for registering qualified persons as voters or electors are furnished by said city; provided further, that the board of registrars, in its discretion, may meet in any of the precincts of the county on any Thursday, Friday or Saturday of any week for the purpose of registering any qualified persons as voters or electors; provided further, that the board of registrars shall not, during the two weeks immediately preceding any regular or special municipal, county, state or federal primary or general election, register any person who will be entitled to vote at such election. In the event that the board of registrars elects to meet pursuant to the fourth proviso of the next preceding sentence, they shall give at least twenty days notice of the date and time when, and the place and the precinct where, they will meet to register qualified persons as voters or electors, by bills posted at three or more public places in the precinct where they will so meet, and by notice one time in a newspaper of general circulation in the county. The provisions of Sections 26, 27, Title 17, Alabama Code of 1940, and said Act No. 668, approved October 8, 1947, and of Act No. 6, General Laws of Alabama (Fourth Special Session), approved August 11, 1950, insofar as said Code sections and said acts fix the time when the board of registrars shall or may meet for registered qualified voters or electors, shall have no application in any of the counties described in Section 1 of this Act."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Gilmore	Lybrand	Pierce	
Carr	Hammond	McLain	Register	
Clark	Harris	Noonan	Vacca	
Cook	Hawkins	O'Bannon	Wilder	
Dominick	Jones	Owen	Wilson	
Edington	King			—25

Nays: —0

And said Bill, S. B. 92, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Gilmore	Lybrand	Pierce	
Carr	Hammond	McLain	Register	
Clark	Harris	Noonan	Vacca	
Cook	Hawkins	O'Bannon	Wilder	
Dominick	Jones	Owen	Wilson	
Edington	King			—25

Nays: —0

MOTION TO RECONSIDER

On motion of Mr. Noonan, the Senate reconsidered the vote by which the Bill, S. B. 113, was passed.

Mr. Noonan then moved that further consideration of the Bill, S. B. 113, be postponed until the next Legislative Day, which motion was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

H. 119. To amend Section 5 of Act No. 1957, H. 1851, Legislature of 1971, Regular Session, approved September 20, 1971, an Act to provide for the regulation of the custom application of pesticides by aircraft and ground equipment, etc., said Section 5 thereof relating to the bond or liability insurance required by persons engaged in the custom application of pesticides.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Fine	Jones	O'Bannon	
Bailes	Foshee	King	Owen	
Branyon	Gilmore	Littleton	Pelham	
Cook	Givhan	Lybrand	Pierce	
Cooper	Hawkins	McLain	Vacca	
Dominick	Horne	Noonan	Wilder	
Edington				—24

Nays: —0

CALENDAR BILL POSTPONED TO DAY CERTAIN

On motion of Mr. Owen, further consideration of the Bill, H. B. 132, was postponed until the Ninth Legislative Day.

BILLS ON THIRD READING RESUMED

The Bill:

H. 128. To exempt from all state, county and municipal sales and use taxes all medicines prescribed by a physician for persons 65 years of age or older; to provide acceptable means of proof of age for the purposes of this Act; to provide a penalty the filing of any false proof of age; and to repeal all laws which are in conflict with this Act and especially Act Number 2128, Acts of Alabama 1971, Regular Session, approved September 20, 1971.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Hawkins	Noonan
Bailes	Fine	Jones	O'Bannon
Carr	Foshee	King	Owen
Clark	Gilmore	Littleton	Pelham
Cook	Givhan	Lybrand	Pierce
Cooper	Hammond	McLain	Vacca
Dominick	Harris		

—25

Nays:

—0

The Bill:

S. 116. To provide that all former Governors of the State of Alabama upon reaching age sixty (60) shall be entitled to monthly retirement pay out of the General Fund of the State Treasury.

was taken up.

Mr. Cooper offered the following amendment to the Bill, S. B. 116, to-wit:

AMENDMENT TO S. B. 116

Amend S. B. 116 by striking therefrom Section 1 in its entirety and insert in lieu thereof the following:

"Section 1. All former Governors of the State of Alabama upon reaching the age of sixty (60) shall be entitled to a monthly retirement payment out of the General Fund in the State Treasury which shall equal three-fourths of the Governor's salary."

Which was adopted.

Yeas 20; Nays 4.

Yeas:

Messrs.:	Foshee	Horne	Pelham
Branyon	Gilmore	Jones	Pierce
Clark	Givhan	King	Vacca
Cook	Hammond	Littleton	Wilder
Cooper	Hawkins	Owen	Wilson
Fine			

—20

Nays:

Messrs.:	Carr	Dominick	O'Bannon	
Bailes				—4

Mr. Carr moved that further consideration of the Bill, S. B. 116, as amended, be postponed until the next Legislative Day. On motion of Mr. Cooper, the motion to postpone was laid on the table.

Yeas 20; Nays 7.

Yeas:

Messrs.:	Foshee	Horne	Pelham	
Branyon	Gilmore	Jones	Pierce	
Clark	Givhan	Littleton	Shelby	
Cook	Hammond	McLain	Vacca	
Cooper	Hawkins	Owen	Wilson	
Fine				—20

Nays:

Messrs.:	Carr	Harris	Wilder	
Bailes	Dominick	King	O'Bannon	—7

And said Bill, S. B. 116, as amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 5.

Yeas:

Messrs.:	Fine	Horne	Pelham	
Bailes	Foshee	Jones	Pierce	
Branyon	Gilmore	King	Shelby	
Clark	Givhan	Littleton	Vacca	
Cook	Hammond	McLain	Wilder	
Cooper	Hawkins	Owen	Wilson	
				—23

Nays:

Messrs.:	Dominick	Lybrand	O'Bannon	
Carr	Harris			—5

The Bill:

S. 110. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census, to provide for an annual expense allowance for the judge of the inferior court of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Jones	Pelham	
Carr	Gilmore	King	Register	
Clark	Givhan	Littleton	Shelby	
Cook	Hammond	Lybrand	Vacca	
Cooper	Harris	McLain	Wilder	
Dominick	Hawkins	Noonan	Wilson	
Edington	Horne			—25

Nays:

—0

The Bill:

S. 111. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide for an annual expense allowance for the deputy district attorney of such counties.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Pelham
Bailes	Fine	King	Register
Branyon	Givhan	Littleton	Shelby
Carr	Hammond	Lybrand	Vacca
Clark	Harris	McLain	Wilder
Cook	Hawkins	Noonan	Wilson
Cooper	Horne		

—25

Nays:

—0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Senate Chambers
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor relative to appointments on the Mental Health Board of Trustees.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

December 9, 1971

To the Senate of Alabama
Senate Chambers
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons on the Mental Health Board of Trustees:

Dr. Conyers Relfe, Montgomery, Alabama; From the 2nd Congressional District Succeeding Dr. J. D. Martin For Term Expiring September 30, 1976

Dr. J. Garber Galbraith, Birmingham, Alabama; From the 6th Congressional District Succeeding Dr. Hugh E. Gray For the Term Expiring September 30, 1974

Dr. Eric Strandell, Brewton, Alabama; From the 2nd Congressional District Succeeding Dr. John Davis For Term Expiring September 30, 1976

The above appointments are submitted for confirmation or for such action as you may deem right and proper.

Respectfully,
 GEORGE C. WALLACE,
 Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Mental Health Board of Trustees, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 87. To regulate the solicitation of advertisement by any person, firm or corporation who holds himself out to be affiliated with any State or Federal Peace Officers Association; to provide penalties for violation of this Act.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Messrs.:	Fine	Jones	Pelham	
Bailes	Foshee	King	Pierce	
Branyon	Gilmore	Littleton	Shelby	
Carr	Hammond	Lybrand	Vacca	
Clark	Harris	McLain	Wilder	
Cook	Hawkins	Noonan	Wilson	
Cooper	Horne	Owen		—26
Nays:				—0

ADJOURNMENT

At 4:35 P. M., on motion of Mr. Pelham, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, December 14, 1971, at 4 o'clock P. M.

SEVENTH LEGISLATIVE DAY

TUESDAY, DECEMBER 14, 1971

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Dr. Don Richardson, Chairman, Department of Arts and Sciences, Auburn University (Montgomery), and Minister, Druid Hills Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Carr	Cook	Dominick
Branyon	Clark	Cooper	Dozier

Fine
Foshee
Gilmore
Givhan
Hammond
Harris

Hawkins
Horne
Jones
King
Lindsey
Littleton

McLain
Malone
Noonan
Owen
Pelham
Pierce

Register
Shelby
Vacca
Wilder
Wilson

—30

JOURNAL

On motion of Mr. Foshee, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,

Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Foshee, leaves of absence were granted Messrs. Edington, Bailes, O'Bannon, Lybrand and Weaver for today.

REPORT OF

COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

2. Directing the **Jefferson County** Transit Authority to study public transportation needs.

Also:

S. J. R. 21. Memorializing and paying tribute to those who lost their lives in World War II.

Also:

S. 3. To amend the title and Section 1 of Act No. 120, H. 109, Special Session 1969 (Acts 1969, p. 190), which Act regulates the compensation of court reporters in certain counties classified according to population.

Also:

S. 4. To amend Section 38, Title 13 of the Code of Alabama, 1940, which places certain responsibilities, duties and functions upon the Chief Justice of the Supreme Court of Alabama; to further set forth additional responsibilities, duties, functions and powers of the said Chief Justice pertaining to Supernumerary Circuit Judges, Circuit Judges, Department of Court Management, the Permanent Study Commission on Alabama's Judicial System, the Supreme Court, The Judicial Conference, and the administration of justice in Alabama; to authorize the Chief Justice to obtain statistics, data and other factual information from court officials; and to authorize the assignment of Circuit Judges to temporary duty with the Appellate Courts.

Also:

S. 23. To authorize county solid waste and park and recreation authorities in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census to pay to the county health officer or his administrative assistant a monthly expense allowance.

Also:

S. 38. To amend the title and Section 1 of Act No. 148, H. 203, Special Session 1967 (Acts 1967, p. 197), which Act provides for an expense allowance for the district attorney of all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

Also:

S. 39. To amend the title and Section 1 of Act No. 146, H. 185, Special Session 1967 (Acts 1967, p. 146), which Act provides for an expense allowance for each of the circuit judges in all judicial circuits in this state composed of three counties with two circuit judges and located in certain counties classified on a population basis; and to repeal conflicting laws.

Also:

S. 57. To regulate further the excusing of persons from jury service in the Twelfth Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Also:

S. 58. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Twelfth Judicial Circuit of Alabama.

Also:

S. 69. Relating to counties having populations of not less than 57,000 nor more than 61,000; to require the county commission in any such county to provide not less than 12 deputy sheriffs, and require one chief and two deputy jailors, and to prescribe the compensation of such deputies and jailors.

Also:

S. 70. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent

federal decennial census; to provide an additional clerk-hire allowance for the tax collector of such counties.

Also:

S. 73. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the Judge of Probate of such counties.

Also:

S. 74. Relating to counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance to the coroner of said counties in the amount of \$75.00 per month.

Also:

S. 75. To provide for the reinstatement of certain persons holding permanent appointments in the classified service of the City of Dothan after having left such classified service to serve as heads of a department of government of such city or county with all their former status and rights pertaining thereto.

JAMES S. CLARK,

Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Foshee:

S. 122. To amend Act No. 125, House Bill 40, First Special Session, 1971, so as to provide an additional exemption for totally disabled homeowners regardless of their age.

Committee on Commerce, Transportation
and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Brassell, Adams, Mathews, Fite, Stokes, Turnham, Adwell, Agee, Baker, Bank, Barkett, Bassett, Benton, Boles, Boutwell, Bowers, Burgess, Callahan, Carnes, Carter, Casey, Cauthen, Cherner, Chesnut, Collins, Connell, Coshatt, Cottingham, Crawford, Cross, Crowe, Culver, Dill, Doss, Downing, Drake, Easters, Edwards, Ellis, Erdreich, Falkenburg, Flippo, Gafford, Gloor, Goodwin, Grainger,

Gray (F), Grey (D), Hale, Hardin, Harris, Headley, Hearn, Hill, Hobbie, Jackson, Jones (E), Jones (F), King, Kinsey, Lang, Lutz, Lyons, McBride, McCluskey, McCorquodale, McDonald, Manley, May, Meeks, Merrill, Mims, Naramore, Nettles, O'Daniel, Owens, Parker (H), Parker (T), Perloff, Pruitt, Reed, (T), Reid (R), Reynolds, Roberts, Robertson, St. John, Slate, Smith (K), Smith (P), Snell, Stewart, Straiton, Stubbs, Taylor, Therrell, Timmons, Turner, Waggoner, Waldrop, Wallace, Warren, Weeks, Williams, Wise, Wood and Wynot:

H. J. R. 50. MOURNING THE DEATH OF ROBERTS HENRY BROWN.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 50, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Horne, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Robertson, Parker (T), Culver and Bank:

H. J. R. 52. MOURNING THE DEATH OF REVEREND DAVID W. LEWIS, PASTOR OF THE FIVE POINTS BAPTIST CHURCH, NORTHPORT, ALABAMA.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 52, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Horne, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

H. 98. To authorize the Ex-Officio Clerks of the County Courts, in Counties having a population of not less than 90,000 nor more than 100,000 inhabitants, according to the last or any subsequent Federal decennial Census, to destroy all Files, Shucks, or Envelopes, together with all papers filed therein in all Criminal Cases in such Courts after the expiration of Ten years from the date of final Judgments, but no authority is given herein to destroy the Consolidated Docket and Fee Book Sheets, Final Record Books or the Indices in such Cases.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	King	Pierce	
Branyon	Fine	Lindsey	Register	
Carr	Foshee	Littleton	Shelby	
Clark	Gilmore	Malone	Vacca	
Cook	Givhan	Owen	Wilder	
Cooper	Hammond	Pelham	Wilson	
Dominick	Harris			—25

Nays:

—0

The Bill:

H. 120. To amend Section 2 of Act No. 821 of the 1971 Regular Session of the Legislature of Alabama; to provide that the provisions of this amendatory Act shall be retroactive to September 7, 1971.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	King	Pierce	
Branyon	Fine	Lindsey	Register	
Carr	Foshee	Littleton	Shelby	
Clark	Harris	Malone	Vacca	
Cook	Hawkins	Owen	Wilder	
Cooper	Horne	Pelham	Wilson	
Dominick	Jones			—25

Nays:

—0

RESOLUTION

Mr. Dozier offered the following Senate Joint Resolution, to-wit:

S. J. R. 25. Commending Enterprise H. S. Band

WHEREAS The Enterprise High School Band has been invited to participate in the U. S. Olympics Band competition for 1972 to be held in Munich, Germany and

WHEREAS The Wildcat Band would be the sole representative from Alabama and one of the ten bands from throughout the United States so honored; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we do offer our heartiest congratulations to the Enterprise Band and to their band director, Bob McMillan, and encourage them to take advantage of this unique opportunity to serve as ambassadors of good will on behalf of Alabama and the United States of America.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Mayor M. N. "Jug" Brown and to band director, Bob McMillan.

On motion of Mr. Dozier, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Brassell and Adams:

H. 148. To amend further the title and Section 1 of Act No. 251, H. 701, Regular Session 1969 (Acts 1969, p. 583), as amended, which abolishes the public highway and traffic funds in the county treasuries and provides for the transfer of such monies to the general fund and for the deposit of certain other monies in such general fund, in certain counties classified on a population basis; by revising the mode of disbursement of said funds, and making such revision retroactive.

Also:

By Messrs. Robertson, Parker (T), Bank and Culver:

H. 160. To repeal Act No. 5, H. 84 of the Second Special Session of 1971, approved December 1, 1971, entitled "An Act, To provide that in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census, a person is found guilty or plead guilty, courts may, without entering judgment of guilty and with the consent of such person, defer proceedings and place on probation; that may discharge from probation before end of probation period; that at the end of probation period, shall discharge and dismiss such proceeding; that such discharge and dismissal makes it a non-public record; that discharge and dismissal may occur only once to such person; that if under 21 at the time of offense, such person may apply to expunge official records and restore to status occupied prior thereto; and that not guilty of perjury or false statement for failing to reveal such proceedings."

Also:

By Messrs. Kinsey and Benton:

H. 161. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; providing that the county governing body may authorize the probate judge, tax assessor and tax collector to operate branch offices in the southern portion of such county; and to provide that such offices shall remain open for the transaction of business during certain periods of the year and during certain hours of each day.

Also:

By Messrs. Crowe and Naramore:

H. 171. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Fourteenth Judicial Circuit of Alabama.

Also:

By Mr. Stokes:

H. 69. To amend Act No. 545, S. 562, Acts of the Regular Session 1965 (Acts 1965, p. 795), which relates to counties having populations of not less than 300,000 nor more than 500,000; providing for the compensation of members of the jury commissions in such counties, to provide further for the compensation of such commissions.

Also:

By Messrs. Collins and Lyons:

H. 145. Relating to all counties having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census; to establish a procedure for the implementation and

control of all future annual salary increases or decreases for the License Commissioner in such counties.

Also:

By Messrs. Collins and Lyons:

H. 159. To propose an amendment to the Constitution of Alabama to authorize the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitoes, rodents and other vectors of public health and welfare significance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 148, 160, 161, 171, 69, 145 and 159. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 159, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution, to-wit:

H. J. R. 53. Relative to the adjournment of the two Houses on Tuesday, December 14, 1971.

JOHN W. PEMBERTON,
Clerk.

REPORTS OF COMMITTEES

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pelham:

S. 121. Relative to municipalities in this state having a population of not less than 150,000 and not more than 300,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, convention and meeting facilities, providing ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity and providing off-street parking for the use of such enterprise; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such

bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor unless paid the reasonable value thereof; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; exempting any bonds issued under the act from the laws governing usury or prescribing or limiting interest rates; exempting the municipality from the provisions of Act No. 217 of the 1967 Special Session of the Legislature of Alabama, as amended, providing for competitive bidding, in connection with such properties and contracts and agreements in connection therewith; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

By Mr. Brassell:

H. 123. To authorize the district attorney having jurisdiction in any county in the State of Alabama with a population of not less than 42,000 nor more than 49,500 to appoint an investigator or investigators and to prescribe their duties.

By Messrs. McDonald, Drake and St. John:

H. 151. Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971.

By Messrs. Drake and St. John:

H. 153. To allow prospective jurors to be excused without the presence of the defendant in the Thirty-second Judicial Circuit of Alabama.

By Messrs. Drake and St. John:

H. 154. To provide for and regulate the selection and empaneling of alternate jurors for the trial of any case triable by jury in the circuit courts of the thirty-second judicial circuit.

By Messrs. Drake and St. John:

H. 155. Relating to judicial procedure in the Thirty-second judicial circuit; regulating and providing further for the separation of the jury by consent in capital or non-capital felony cases in such circuit.

By Messrs. Drake and St. John:

H. 156. To abolish the drawing of special venires in capital cases in the Thirty-second Judicial Circuit of Alabama.

By Mr. Casey:

H. 158. Relating to counties having a population of not less than

17,000 nor more than 20,000 inhabitants according to the most recent federal decennial census; to authorize the county governing bodies of such counties to appropriate \$675.00 each for the relief of J. W. Messer, Sr., J. M. Noles, and Doug Allen.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Merrill:

H. 1. To amend Act No. 74, Acts of Alabama, Special Session 1961, approved September 15, 1961, which provides for a Judicial Conference for the State of Alabama; to prescribe the membership thereof, their duties and terms of office.

By Mr. McCluskey:

H. 107. To exempt authorities now or hereafter organized under the provisions of Act No. 107 adopted at the 1965 First Special Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

By Messrs. Lyons and McCorquodale:

H. 116. To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the Chief Justice and the Associate Justices of the Supreme Court, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 549), as amended by Act No. 594, General Acts of Alabama, 1959, p. 1483, and by Act No. 44, General Acts of Alabama, 1965, Special Sess., p. 64, and by Act No. 323, General Acts of Alabama 1969, Reg. Sess., p. 693, and to appropriate the funds for carrying out the provisions of this act.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McLain (with amendment):

S. 120. To authorize the formation of professional corporations for the purpose of rendering professional services; to prescribe the manner of organization of such corporations; to limit the purposes of the organization of such corporations; to limit membership in or shareholders of such corporations to persons so licensed to practice in the State of Alabama; to regulate the naming of such corporations; to regulate the issuance of stock in such corporations; to regulate the rendering of professional services furnished by such corporations; to preserve professional relationships and regulations; to prohibit certain acts; to provide for severance of interests in such corporations; to provide for the death or disqualification of shareholders; to require the submission of annual certificates and reports; and to limit mergers or consolidations.

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mathews, et al:

H. 116. To make additional appropriations to the Department of Public Safety.

By Mr. Harris:

S. 2. To amend Section 6A of Act No. 90, S. 66, Special Session 1971, which Act makes appropriations to the State Highway Department, by authorizing the Director to make additional funds available to match increased federal funds.

By Messrs. McCorquodale and Lyons:

H. 117. To make additional appropriation to the Banking Department—Bureau of Loans.

By Mr. McCorquodale, et al:

H. 63. To make a supplemental appropriation to the Legislative Reference Service for the fiscal years ending September 30, 1972, and September 30, 1973.

By Mr. Horne:

S. 43. To provide an expense allowance for the members of the State Board of Education in addition to certain expenses incurred in attending meetings and transacting business of the board and providing that provisions of Act No. 470, S. 182, Regular Session 1969 (Acts 1969, p. 912) shall not be applicable to the members of said boards.

By Mr. Hardin, et al:

H. 4. To make additional appropriations to the Divisions of Game and Fish, Water Safety, Administrative and State Parks of the Department of Conservation and Natural Resources.

By Mr. Hardin, et al:

H. 5. To make appropriations from the Water Safety Fund in the State Treasury for Division of Water Safety capital improvements.

By Messrs. Jones (F) and Therrell:

H. 90. To make a supplemental appropriation to the Bureau of Credit Unions of the Department of Banking for the fiscal years ending September 30, 1972 and September 30, 1973.

By Messrs. Roberts, Grainger and Lutz:

H. 81. To amend Section 2, subsection III. A. (23) (m) of Act No. 2, Second Special Session, 1971, which provides for appropriations from the State General Fund for the payment of subsidies for the Tuberculosis and Chronic Lung Disorders treatment.

By Mr. Register:

S. 76. To amend Act No. 1126, S. 378, Regular Session of 1969, (Acts of Alabama 1969-70, Vol. III, p. 2084), entitled "An Act to provide for the delineation and designation of state planning and development districts and to authorize the governing bodies of counties and municipalities to establish regional planning and development commissions compatible with such state districts," by amending Section 8 thereof to provide that certified regional planning and development commissions may receive certain funds in addition to state financial support and to authorize the Alabama Development Office to allocate funds to such commissions and to regulate such allocations.

By Mr. Hobbie, et al:

H. 86. To provide a cost of living increase to certain retired members of the Employees' Retirement System of Alabama.

By Mr. Cooper:

S. 117. To Amend Act No. 2, (Second Special Session) 1971. So as to change the appropriation made in Section 2, F (23) (e) thereof.

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCorquodale, et al (with substitute):

H. 59. A bill to provide the manner and method by which State-wide Property Reappraisal shall be carried out and to spell out the responsibilities of all parties concerned and to provide for the enforcement of such a program by the Department of Revenue of the State of Alabama.

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCorquodale, et al (with substitute) (with amendment):

H. 56. Proposing an amendment to Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; establishing a classification system of property taxation; fixing assessment rates for each class of property.

The above Bill was read a second time at length as required by the Constitution.

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCorquodale, et al (with substitute):

H. 57. To amend Title 51, Section 15, Code of Alabama 1940, so as to provide a homestead exemption from all state and county ad valorem taxes not to exceed two thousand dollars (\$2,000) in assessed value for state tax purposes and one thousand dollars (\$1,000) in assessed value for county tax purposes nor one hundred eighty acres in area; to amend Title 51, Section 17, Code of Alabama 1940, so as to establish a classification system of property taxation and fix assessment rates for each class of property; to amend Title 51, Section 2(m), Code of Alabama 1940, so as to exempt manufactured articles in the hands of the manufacturer for twelve months; to amend Title 51, Section 2 to provide for exemption from ad valorem taxation of farming tools and farm implements, all personal property (other than motor vehicles, trailers and semi-trailers) not used in a trade or business or for the production of income, and stocks of goods, wares and merchandise to the value of thirty thousand dollars; to amend Title 51, Section 704, Code of Alabama 1940, providing for the assessment and collection of ad valorem taxes on motor vehicles; to provide for the severability of

the provisions of this act; to repeal all laws or parts of laws in conflict with this act; and to provide when this act shall become effective.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 7. To repeal Section 10, and to amend Sections 2, 4, 9, 11, 12 and 16, of Act No. 1286, H. 1694, Regular Session 1971, approved September 17, 1971, which Act established a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000, by revising the methods of budgeting and financing of said office.

Also:

S. 72. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the tax assessor of such counties.

Also:

S. 59. To authorize the county governing bodies in counties having a population of not less than 300,000 nor more than 500,000, according to the last or any future federal census, to enter into contracts and agreements with the United States of America, the State of Alabama and other counties for the purpose of acquiring funds and facilities for public use.

Also:

S. 60. To amend Section 4 of Title 12 of the Code of Alabama of 1940, As Amended by an Act of the Legislature entitled, "To Amend Section 4 of Title 12 of the 1940 Code of Alabama," approved on September 19, 1949, and an Act of the Legislature entitled, "To Amend Title 12, Section 4, Code of Alabama, 1940, as amended pertaining to reports and remittances by tax collectors", approved September 23, 1959, to authorize depositories for county health funds.

JOHN W. PEMBERTON,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Brassell:

H. 122. To authorize the county governing body of any city in any county having a population of not less than 42,000 nor more than 49,500 to provide an expense allowance for the district attorney of the Judicial Circuit within such county; to repeal Act No. 51, H. 82, 1970 Special Session (Acts 1969-70, p. 2674) and other Acts which conflict with the provisions of this Act.

Also:

By Messrs. Merrill, Casey, McCorquodale, St. John, Bank, Hobbie, Cottingham, Pruitt and Wallace:

H. 167. To provide for the exemption from ad valorem taxation of the home of any person who is sixty-five years of age or older and who had an adjusted gross income of less than four thousand dollars for income tax purposes for the last preceding year.

Also:

By Messrs. Grey (D), Reid (R), Goodwin, Therrell, Reed (T), Coshatt, Boles and Lang:

H. 149. To provide that whenever any eye and physical examination is required of an individual as a prerequisite to employment, the purchase of eye glasses or other visual aids shall not be required until the job applicant shall have passed the physical examination and have been given a valid offer of employment; to make the violation of the provisions of this act a misdemeanor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B. 122. To the Committee on Local Legislation No. 1.

H. B.'s 167 and 149. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 65. To amend Section 10 of Act No. 211, Regular Session 1945, approved July 7, 1945, (General Acts of Alabama 1945, p. 330), which relates to public hospitals, so as to provide an alternative form of selecting the directors of certain public hospital associations.

Also:

S. 68. To authorize the Department of Conservation and Natural Resources to comply with Public Law 91-646, known as the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Cherner, Gafford, Burgess, Erdreich, Turner, Doss, Stewart, Falkenburg, Crowe, Bank, McBride, Smith (K), Lutz, Jones (E), Wallace, Gloor, Dill, Timmons, Parker (H), Bowers, Adwell, Meeks, Weeks, Ellis, Boles, Smith (P), McCluskey, Wynot, Carnes, Perloff, Therrell, Cauthen, Slate, Parker (T), Drake, Flippo, Stubbs, Robertson, Kinsey, Jones (F), Hardin, Bassett, May, Benton, Chesnut,

Hobbie, Harris, Headley, Reid (R), McDonald, Cottingham, Fite, Taylor, Carter, O'Daniel, Waggoner, Naramore, Edwards, Goodwin, Stokes, Downing, Callahan, Mims, Collins, St. John, Culver, Boutwell, Merrill, Grainger, Mathews, Reynolds and Owens:

H. 94. To redistrict the state and provide for the election of congressmen by district, amending Code of Alabama 1940, Title 17, Section 425, as amended.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 94. To the Committee on Constitution and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 111. To amend Section 3 of Act No. 1958, H. 1874, 1971 Regular Session, approved September 20, 1971, entitled "An Act Relating to counties having populations of not less than 55,000 nor more than 56,500; to create in each of such counties a coliseum authority as a public corporation; for the purpose of providing a coliseum and related structures in such county; to provide for the appointment, term, and qualifications of the members of such authority; to prescribe the powers, duties and functions of said authority, including the power of eminent domain; to provide certain insurance coverage; to authorize the sale and issuance of interest bearing revenue bonds and refunding said bond; to declare such bonds to be negotiable instruments; to exempt from taxation properties of said authority and the income therefrom, and the bonds and the income therefrom;" so as to change the membership of the coliseum authority created by this Act.

JOHN W. PEMBERTON,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Hobbie:

H. 169. To amend Sections 7 and 14 of Act No. 1981, H. 732, 1971 Regular Session, effective September 30, 1971, entitled:

"To establish the Alabama Peace Officers Standards and Training Commission; to prescribe its functions, duties and powers relating to the selection, recruitment and training of law enforcement officers and the work of law enforcement agencies in the State; to prescribe minimum standards for law enforcement officers; to grant to the Commission power to establish standards and issue and promulgate rules and regulations; to make the violation of certain provisions of this Act

or the standards, rules and regulations of the Commission a misdemeanor; to establish the Alabama Peace Officers Standards and Training Commission Fund to make biennial appropriations from such Fund to the Commission for the fiscal years 1971-72 and 1972-73; to authorize participation in the program of the Commission by State, county and municipal law enforcement agencies."

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. B. 169. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. J. R. 53. Relative to adjournment of the two houses to meet again on Tuesday, December 14, 1971.

Also:

H. 87. To regulate the solicitation of advertisement by any person, firm or corporation who holds himself out to be affiliated with any State or Federal Peace Officers Association; to provide penalties for violation of this Act.

Also:

H. 72. Relating to St. Clair County; providing for the reorganization of the government of the county; abolishing the Court of County Commissioners and creating in lieu thereof the St. Clair County Commission and designating its members; providing for the manner in which their successors shall be elected and prescribing their qualifications, terms and compensation; providing for the organization and jurisdiction of the commission and the powers and duties of its members; providing for the employment of a county engineer pursuant to Act No. 1728, H. 2522, Regular Session 1971; repealing conflicting laws; providing for effective date of this act.

Also:

H. 20. To apply only to counties having a population of not less than 49,000, nor more than 52,000; to fix the salary and allowances of the coroner in such counties; to provide for salary and allowances when said coroner is called upon to serve as sheriff, and to provide for a referendum.

Also:

H. 70. To provide for an additional eighteen hundred dollar (\$1,800.00) expense allowance for the county treasurer of counties having a population of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census.

Also:

H. 54. To amend Section 7 of Act No. 993 (H. 1089) enacted at the 1971 regular session of the Legislature of Alabama, applicable to any county having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census, so as to provide for the appointment by the governing body of the principal municipality in such county of two (2) Directors for the county transit authority provided for by said Act, and to provide for the initial terms of office of such Directors appointed by such principal municipality.

JOHN W. PEMBERTON,

Clerk.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

ADJOURNMENT

At 8:23 P. M., on motion of Mr. Cooper, the Senate adjourned until Wednesday, December 15, 1971, at 10 o'clock A. M.

EIGHTH LEGISLATIVE DAY

WEDNESDAY, DECEMBER 15, 1971

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Rabbi David A Baylinson, Temple Beth Or, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	Jones	Pelham
Bailes	Fine	King	Pierce
Branyon	Foshee	Lindsey	Register
Carr	Gilmore	Littleton	Shelby
Clark	Givhan	Lybrand	Vacca
Cook	Hammond	McLain	Weaver
Cooper	Harris	Malone	Wilder
Dominick	Hawkins	Noonan	Wilson
Dozier	Horne	Owen	

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JOURNAL

On motion of Mr. Pelham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Pelham, leave of absence was granted Mr. O'Bannon for today.

RECESS

At 10:10 A. M., on motion of Mr. Pelham, the Senate took a recess until 2 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 7. To repeal Section 10, and to amend Sections 2, 4, 9, 11, 12 and 16, of Act No. 1286, H. 1694, Regular Session 1971, approved September 17, 1971, which Act established a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000, by revising the methods of budgeting and financing of said office.

Also:

S. 59. To authorize the county governing bodies in counties having a population of not less than 300,000 nor more than 500,000, according to the last or any future federal census, to enter into contracts and agreements with the United States of America, the State of Alabama and other counties for the purpose of acquiring funds and facilities for public use.

Also:

S. 60. To Amend Section 4 of Title 12 of the Code fo Alabama of

1940, As Amended by an Act of the Legislature entitled, "To Amend Section 4 of Title 12 of the 1940 Code of Alabama," approved on September 19, 1949, and an Act of the Legislature entitled, "To Amend Title 12, Section 4, Code of Alabama, 1940, as amended pertaining to reports and remittances by tax collectors", approved September 23, 1959, to authorize depositories for county health funds.

Also:

S. 65. To amend Section 10 of Act No. 211, Regular Session 1945, approved July 7, 1945, (General Acts of Alabama 1945, p. 330), which relates to public hospitals, so as to provide an alternative form of selecting the directors of certain public hospital associations.

Also:

S. 68. To authorize the Department of Conservation and Natural Resources to comply with Public Law 91-646, known as the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970.

Also:

S. 72. Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; to provide an additional clerk-hire allowance for the tax assessor of such counties.

JAMES S. CLARK,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Jones and Pierce:

S. 123. To provide staff assistants for the Commissioner of Public Works and for the Commissioner of Public Affairs in all cities having a population of not less than 70,000 nor more than 135,000 inhabitants, according to the most recent federal decennial census, which have a commission form of government.

Committee on Local Legislation No. 1.

By Mr. Dozier:

S. 124. To make an appropriation from the Alabama Special Education Trust Fund to the Enterprise High School Band for the purpose of representing Alabama at the 1972 Olympic games in Munich, Germany.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has

passed the following Senate bill and returns same herewith to the Senate:

S. 40. Relating to certain schools and/or courses of instruction publicized, sold, offered for sale and/or administered to residents of this State; prescribing certain requirements relative to the operation of schools and solicitation of students; providing exceptions for the application of this act; providing for the issuance of permits by the Alabama State Department of Education; authorizing the Alabama State Board of Education to adopt rules and regulations for the administration and enforcement of this act and to establish an advisory committee to assist in its functions; providing for appeals from decisions of the Alabama State Department of Education and providing penalties for violations.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

On motion of Mr. Horne, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 40, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 40

Amend Section 8 of S. B. 40 as amended by changing the word "may" at the end of line 3 to read "shall".

By adding to Section 4 of said Act the following sub-section:

Section 3 (sub-section k) Any resident private business school that is accredited by the Accrediting Commission, for Business Schools, or its successor, provided that such accrediting agency is recognized as an official accrediting agency by the United States Office of Education. Provided Nevertheless that such resident private business school exempted by this subsection shall pay to the Alabama State Department of Education all fees and comply with all bond requirements as set forth in Section 6 of this Act and provided further that upon proof of such accreditation and payment of fees and compliance of the bond requirements in Section 6, the Alabama State Department of Education shall issue a license and permit to such business school as set forth in this Act, and, Provided Further that upon such exempted private business school complying with the provisions of Section 7 hereof, by paying the fees and complying with the bond requirements in said Section, the Alabama State Board of Education shall issue a license to such agent as set forth in this Act.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Edington	King	Pierce
Bailes	Foshee	Littleton	Register
Branyon	Gilmore	Lybrand	Shelby
Carr	Givhan	Malone	Vacca
Cooper	Hammond	Noonan	Weaver
Dominick	Hawkins	Owen	Wilder
Dozier	Horne	Pelham	

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Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 58. To amend Section 1 of Act No. 462, H. 833, Regular Session 1939 (Local Acts 1939, p. 277), as amended by Act No. 193, H. 556, Regular Session 1965 (Acts 1965, p. 276) (codified at Section 138, Title 62, Code of Alabama 1940, Recompiled 1958), which provides for the maintenance of law libraries in Jefferson County by authorizing the collection of a tax paid as a part of court costs in actions in Jefferson County courts; provides for the maintenance and expense of such funds, and provides for the method of use of such funds, by increasing the tax from ten cents to fifty cents in each civil case filed in certain statutory inferior courts in Jefferson County (other than in the Birmingham Division).

And requests a Committee of Conference, and the Speaker of the House has named as a Committee of Conference on the part of the House Messrs. Gloor, Boles and Jones (E).

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

On motion of Mr. Bailes, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 58, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Bailes	Foshee	Littleton	Pelham
Carr	Gilmore	Lybrand	Pierce
Clark	Hammond	McLain	Register
Cook	Harris	Malone	Shelby
Dominick	Hawkins	Noonan	Vacca
Edington	Jones		

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Nays:

—0

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. King, Dominick and Gilmore.

REPORTS OF COMMITTEES

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Dill, et al:

H. 103. To make appropriations from the Alabama special educational trust fund in the state treasury for the use and benefit of The State Training School for Girls.

By Mr. McCorquodale, et al:

H. 66. To make supplemental appropriations to the Dairy Commission for the fiscal years ending September 30, 1972 and September 30, 1973.

By Mr. O'Bannon:

S. 119. To provide for a State supplement to the Deputy District Attorney in the Thirty-first Judicial Circuit.

Mr. Pelham, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cherner, et al:

H. 94. To redistrict the state and provide for the election of congressmen by district, amending Code of Alabama 1940, Title 17, Section 425, as amended.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Foshee:

S. 122. To amend Act No. 125, House Bill 40, First Special Session, 1971, so as to provide an additional exemption for totally disabled homeowners regardless of their age.

By Mr. Hardin, et al:

H. 157. To amend Act No. 96, H. 17 of the Special Session of 1971, which raises revenue and for such purpose levies a privilege or license tax against persons on account of engaging in the business of leasing or renting tangible personal property, approved May 11, 1971, so as to provide that the department of revenue may authorize and provide for the payment of such tax quarterly instead of on a monthly basis.

By Mr. Merrill, et al:

H. 167. To provide for the exemption from ad valorem taxation of the home of any person who is sixty-five years of age or older and who had an adjusted gross income of less than four thousand dollars for income tax purposes for the last preceding year.

By Mr. Hobbie:

H. 169. To amend Sections 7 and 14 of Act No. 1981, H. 732, 1971 Regular Session, effective September 30, 1971, entitled:

"To establish the Alabama Peace Officers Standards and Training Commission; to prescribe its functions, duties and powers relating to the selection, recruitment and training of law enforcement officers and the work of law enforcement agencies in the State; to prescribe minimum standards for law enforcement officers; to grant to the Commission power to establish standards and issue and promulgate rules and regulations; to make the violation of certain provisions of this Act or the standards, rules and regulations of the Commission a misdemeanor; to establish the Alabama Peace Officers Standards and Training Commission Fund to make biennial appropriations from such Fund to the Commission for the fiscal years 1971-72 and 1972-73; to authorize participation in the program of the Commission by State, county and municipal law enforcement agencies."

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Casey:

H. 130. Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Erdreich:

H. J. R. 38. Mourning the Death of Roland Ellis Goodwin.

Also:

By Messrs. Waggoner, McBride and Turnham:

H. J. R. 47. COMMENDING TOMMY YEAROUT FOR WINNING ALL SOUTHEASTERN CONFERENCE HONORS AND ALL AMERICAN HONORS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 38 and 47, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again severally read and, on motion of Mr. Noonan, the Rules were suspended and the Resolutions were adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Headley:

H. J. R. 46. MOURNING THE DEATH OF GORDON L. ROBERTSON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 46, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Noonan, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Crawford and Connell:

H. J. R. 51. CONGRATULATING THE ABBEVILLE HIGH SCHOOL FOOTBALL TEAM FOR BEING CROWNED CO-CHAMPIONS OF ALABAMA HIGH SCHOOL FOOTBALL FOR CLASS 2-A.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 51, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Noonan, the Rules were suspended and the Resolution was adopted by the Senate.

RESOLUTIONS

Mr. Cooper offered the following Senate Resolution, to-wit:

S. R. 26. BE IT RESOLVED by the Senate of Alabama that the Justices of the Supreme Court of Alabama, as provided under the authority of Title 13, section 34, Code of Alabama 1940, are hereby respectfully requested to render to the Senate their written opinion on the following important constitutional questions.

TO THE HONORABLE CHIEF JUSTICE and ASSOCIATE JUSTICES OF THE SUPREME COURT OF ALABAMA.

Gentlemen:

1. A constitutional amendment has been proposed by a Senate Substitute for House Bill 56, copy of which is attached, which proposes a classification system for the purpose of levying and collecting ad valorem taxes in the State of Alabama, for both state and local tax purposes. This amendment also proposes that the Legislature may authorize a uniform rate of assessment for purposes of local ad valorem taxes and that the assessment ratio and method of assessment of taxable property for local ad valorem taxes may vary from one county to another.

QUESTION: Does the amendment to the Constitution of Alabama proposed by the substitute to House Bill 56 violate the provisions of the Fourteenth Amendment to the United States Constitution?

2. Senate substitute for House Bill 57 is also proposed as the enabling act for the above proposed constitutional amendment. Copy of said substitute is attached.

QUESTION: Does said enabling act violate the provisions of the Fourteenth Amendment to the United States Constitution?

Which was read and referred to the Standing Committee on Rules.

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 27. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the Senate ad-

journals today, December 15, it adjourn to meet again on Wednesday, January 5, 1972, and that when the House adjourns on December 16, they adjourn to meet again on January 5, 1972.

BE IT FURTHER RESOLVED That such adjournment shall be without pay.

Which was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 3:30 P. M., on motion of Mr. Bailes, the Senate adjourned until Thursday, December 16, 1971, at 2 o'clock P. M.

NINTH LEGISLATIVE DAY

THURSDAY, DECEMBER 16, 1971

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Dr. James G. Patton, Minister, Westminster Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	Jones	Owen
Bailes	Fine	King	Pelham
Branyon	Foshee	Lindsey	Pierce
Carr	Gilmore	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cook	Hammond	McLain	Vacca
Cooper	Harris	Malone	Wilder
Dominick	Hawkins	Noonan	Wilson
Dozier	Horne		

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JOURNAL

On motion of Mr. Pelham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Pelham, leaves of absence were granted Messrs. Weaver and O'Bannon for today.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 40. Relating to certain schools and/or courses of instruction publicized, sold, offered for sale and/or administered to residents of this State; prescribing certain requirements relative to the operation of schools and solicitation of students; providing exceptions for the application of this act; providing for the issuance of permits by the Alabama State Department of Education; authorizing the Alabama State Board of Education to adopt rules and regulations for the administration and enforcement of this act and to establish an advisory committee to assist in its functions; providing for appeals from decisions of the Alabama State Department of Education and providing penalties for violations.

JAMES S. CLARK,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Horne:

S. 125. To amend Act No. 407, H. 198 of the Regular Session of 1971, which establishes general qualifications for licensees as insurance agents, brokers and solicitors, so as to provide that the residence and domiciliary requirement may be waived if the applicant for a license is a bona fide resident of and maintains an established office in a populous community lying partly in Alabama and partly in an adjoining state, which is composed of two or more contiguous cities, towns, or villages not completely separated by a natural boundary.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Horne:

S. 126. Providing further for the operation and functioning of the Court of Common Pleas of Lee County; authorizing and providing for an additional expense allowance for the judge of such court; authorizing and regulating the employment of certain officers, clerks and other assistants and employees for the court; and providing for the payment of their salaries and certain expenses out of the county treasury.

Committee on Local Legislation No 1.

By Mr. Edington:

S. 127. Further regulating creditable service toward retirement under the State Employees' Retirement System; authorizing, requiring and providing for the granting of creditable service to certain present employees of the City of Mobile for services rendered by such employees prior to the time they became members of the State Employees' Retirement System.

Committee on Local Legislation No 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA

COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

Further regulating creditable service toward retirement under the State Employees' Retirement System; authorizing, requiring and providing for the granting of creditable service to certain present employees of the City of Mobile for services rendered by such employees prior to the time they became members of the State Employees' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. When used in this Act the following terms shall have the meanings hereinafter ascribed to them:

"Board of Control" means and refers to the board of control of the State of Alabama Employees' Retirement System, created and existing pursuant to Act No. 515, H. 93 of the Regular Session of 1945 (General Acts of 1945, p. 734) as amended.

"State Employees' Retirement System" means the retirement system cited above.

"Union Employees' Pension Plan" means the Mobile City Lines, Inc. Union Employees Pension Plan, as amended.

Section 2. The board of control is hereby authorized and directed to adopt and prescribe rules under which every present employee of

the City of Mobile who was previously an employee of Mobile City Lines, Inc. and as such a member of and participant in the Union Employees' Pension Plan of such city lines may be given credit toward retirement for the years spent in service of the Mobile City Lines, Inc. and as members of the Union Employees' Pension Plan. Such rules shall provide that upon liquidation of the Union Employees' Pension Plan, Trust Fund, if payment is made to the treasurer of the State Employees' Retirement System of the proportionate part of such fund due such present employees of the City of Mobile, then such employees shall be granted credit for service prior to their becoming members of the State Employees' Retirement System. The amount of prior service credit given each such employees shall be determined by the board of control, based on the amount paid for credit to each such employee's account. Such rules may also provide that if payment of the above-mentioned amount is not made by the trustees of the Union Employees' Pension Fund directly to the treasurer of the State Employees' Retirement System, that such payment may be made by the several employees of the City of Mobile to such treasurer; but if so made, such payments must be accompanied by a certificate of a duly authorized person certifying the amount due such person upon the liquidation of such trust fund. The board of control may also prescribe such additional rules to govern the awarding of such prior service credit as it deems expedient.

Section e. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Judy Beasley being sworn, says that she is Bookkeeper of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Press, Sep. 29, Oct. 6, 13, 20, 1971.

JUDY BEASLEY.

Sworn to and subscribed before me this 14 day of Dec., 1971.

E. E. KOCH,
Notary Public.

By Mr. Bailes (By Request):

S. 128. Amendment to the Constitution of Alabama is proposed to provide for an adjustment in the tax rate in each county or municipality to be increased only once and reduced at any time after a reappraisal of property is certified as complete by the State Department of Revenue and provides for an increase in tax rate removing the Constitutional Debt limit as to county and municipal tax authorities after approval by the tax authority and a separate Act of the Legislature and by a majority of the qualified electors of the county or municipality in which the tax is to be levied or raised.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Bailes (By Request):

S. 129. To provide the money and method by which property shall be assessed with respect to all real and personal property and as to ad valorem taxes levied by the State, and to amend Title 51, Section 17, Code of Alabama 1940; to provide for the severability of this Act, and to repeal all laws or parts of laws in conflict with this Act, and to provide when this Act shall become effective.

Committee on Finance and Taxation.

By Mr. Bailes (By Request):

S. 130. An amendment to the Constitution of Alabama is proposed which provides for classification of all taxable property on which the State of Alabama levies ad valorem taxes and provides further for a uniform rate of assessment and each county and city and provide for an adjusted tax rate which may occur only once. The amendment provides for exemptions from ad valorem taxes and for an election to be held on this amendment in accordance with provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Hammond:

S. 131. To regulate further the salary of the Institutional Agricultural Director of the State Prison Farm System.

Committee on Commerce, Transportation
and Common Carriers.

REPORTS OF COMMITTEES

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Noonan:

S. 112. To amend Code of Alabama 1940, Title 11, Section 4, which relates to the time when fees in civil cases are due so as to require the posting of a deposit or giving of other security to guarantee the payment of court costs by the parties when instituting any civil action, suit or proceeding or at the option of such parties, the advance payment of such costs.

By Mr. Noonan:

S. 114. To amend Section 94 of Title 51, Code of Alabama 1940, as heretofore amended, which relates to the term of service and compensation of members of county boards of equalization.

By Mr. Noonan:

S. 115. To replace the "Alabama Apartment Ownership Act" with a new statute establishing and regulating CONDOMINIUM developments, as regards definitions; the nature, ownership and rights to possession of condominium units, common elements and limited common elements; the establishment of condominium property and the contents and recordation of declarations and bylaws and the amendment thereof, deeds, mortgages and other instruments relating to units; the administra-

tion and management of condominiums; liability, civil actions and service of process by and against the condominium and its unit owners; the ascertainment and charging of expenses for common elements and limited common elements to unit owners; the assessment of taxes and other public charges to unit owners; liens for labor and materials for work on condominium property and individual units; the mortgaging of condominium property and individual units; the termination of the condominium form of ownership; statutory construction; severability of the statute and repeal of the present Alabama Apartment Ownership Act (title 47, Sections 286-313).

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Robertson, Parker (T), Bank and Culver:

H. 160. To repeal Act No. 5, H. 84 of the Second Special Session of 1971, approved December 1, 1971, entitled "An Act, To provide that in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census, a person is found guilty or plead guilty, courts may, without entering judgment of guilty and with the consent of such person, defer proceedings and place on probation; that may discharge from probation before end of probation period; that at the end of probation period, shall discharge and dismiss such proceeding; that such discharge and dismissal makes it a non-public record; that discharge and dismissal may occur only once to such person; that if under 21 at the time of offense, such person may apply to expunge official records and restore to status occupied prior thereto; and that not guilty of perjury or false statement for failing to reveal such proceedings."

By Mr. Stokes:

H. 69. To amend Act No. 545, S. 562, Acts of the Regular Session 1965 (Acts 1965, p. 795), which relates to counties having populations of not less than 300,000 nor more than 500,000; providing for the compensation of members of the jury commissions in such counties, to provide further for the compensation of such commissions.

By Messrs. Collins and Lyons:

H. 145. Relating to all counties having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census; to establish a procedure for the implementation and control of all future annual salary increases or decreases for the License Commissioner in such counties.

By Messrs. Collins and Lyons:

H. 159. To propose an amendment to the Constitution of Alabama to authorize the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitoes, rodents and other vectors of public health and welfare significance.

The above Bill was read a second time at length as required by the Constitution.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Timmons, et al:

H. 22. To amend Section 1 of Act No. 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 so as to increase the membership of the County Pardon and Parole Board in all counties having a population of 600,000 or more according to the last or any subsequent decennial census.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Jackson and Wise:

H. J. R. 56. COMMENDING THE CELEBRATION OF THE SESQUICENTENNIAL OF COVINGTON COUNTY—DECEMBER 7, 1821-1971 AND THE ESTABLISHMENT OF THE FIRST POST OFFICE AND COUNTY SEAT AT MONTEZUMA.

Also:

By Messrs. Doss, Erdreich, Falkenburg, Bowers, Boutwell, Ellis, Gafford, McBride, Cherner, Manley, Pruitt, Boles, Jones (E) and Gloor:

H. J. R. 58. MOURNING THE DEATH OF DR. WILLIAM PRATT DALE, II.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 56 and 58, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again severally read and, on motion of Mr. Branyon, the Rules were suspended and the Resolutions were adopted by the Senate.

RESOLUTION

Mr. Dominick offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. TO FIX A DAY FOR HOLDING THE ELECTION ON THE CONSTITUTIONAL AMENDMENT PROPOSED BY ACT NO. 1264, S. 159 OF THE REGULAR SESSION OF 1971.

WHEREAS Act No. 1264, S. 159 of the Regular Session of 1971, which proposes an amendment to the Constitution relating to the Legislative Department, provides for the submission of the amendment thereby proposed at the next general election; and

WHEREAS the Justices of the Supreme Court of Alabama advised the Legislature on former occasions that there are no requirements of law as to the form that a legislative appointment of the day for an election must take, and that the designation of the day may be incorporated in the Act or Resolution proposing the amendment or otherwise; and

WHEREAS there is no prohibition in law which prevents a re-

designation of a day appointed for holding the election on the Constitutional amendments proposed by said Act No. 1264; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon the amendment proposed by said Act No. 1264, S. 159 of the Regular Session of 1971, which provided for the submission of the amendment thereby proposed at the general election in 1972 shall be held on the same day on which the second or run-off primary is held in 1972. And in case there is no state-wide second or run-off primary election held, then a special election on such constitutional amendment shall be held on the day prescribed by law for holding a second or run-off primary election in 1972.

RESOLVED FURTHER, That the amendment proposed by said Act No. 1264 shall not be submitted at an election at the next general election held in 1972 as provided in said Act No. 1264; but instead such amendment shall be submitted at an election to be held as provided hereinabove.

RESOLVED ALSO That notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The Bill:

H. 66. To make supplemental appropriations to the Dairy Commission for the fiscal years ending September 30, 1972 and September 30, 1973.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Gilmore	Lindsey	Pelham
Branyon	Givhan	Littleton	Pierce
Cook	Hammond	Lybrand	Register
Cooper	Harris	McLain	Shelby
Dozier	Hawkins	Malone	Vacca
Edington	Horne	Noonan	Wilder
Fine	Jones	Owen	Wilson
Foshee	King		

—29

Nays:

—0

The Bill:

S. 103. To make additional appropriations to the Department of Public Safety.

was again taken up.

Mr. Bailes moved that further consideration of the Bill, S. B. 103, be postponed until the next Legislative Day.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning Senate Bill Number 103.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

December 16, 1971

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

There is now pending in this Body Senate Bill Number 103, which provides for an additional appropriation to the Department of Public Safety in the amount of \$1,000,000.00 and the employment of one hundred (100) additional State Troopers. This appropriation is conditional upon the condition of the General Fund of the State.

There is an urgent and compelling need for the enactment of Senate Bill Number 103 without further delay. Actually, we need more than one hundred (100) State Troopers. We are constantly having trouble in our public schools, and on the campuses and we need more State Troopers to back up county and municipal officers.

It is common knowledge that when the State Troopers are no longer patrolling our public highways, these highways become open roads to drunken drivers and speedsters free to kill and maim innocent citizens and motorists who are rightfully using our highways.

When Colonel Allen met with the Justice Department and other law enforcement officers throughout the land, it was made clear to them that there is a revolution abroad in this land, and the Justice Department advised that there should be a "beefing up" of law enforcement officers at all levels in this Country.

I, therefore, respectfully urge that you immediately enact Senate Bill Number 103 so that we can maintain, at least, the minimum degree of law and order in Alabama.

Respectfully,
GEORGE C. WALLACE,
Governor of Alabama.

FURTHER CONSIDERATION OF S. B. 103

The Senate proceeded to further consideration of the Bill, S. B. 103. The question was on the motion to postpone until the next Legislative Day. On motion of Mr. Wilson, the motion to postpone was laid on the table.

Yeas 21; Nays 9.

Yeas:

Messrs.:	Cook	Gilmore	Hawkins
Branyon	Fine	Givhan	Horne
Clark	Foshee	Harris	Lindsey

Littleton	Noonan	Register	Wilder	
Lybrand	Owen	Vacca	Wilson	
McLain	Pelham			—21

Nays:

Messrs.:	Dominick	Jones	Pierce	
Bailes	Edington	King	Shelby	
Carr	Hammond			—9

Mr. Dominick moved that further consideration of the Bill, S. B. 103, be postponed until the Twelfth Legislative Day. On motion of Mr. Wilson, the motion to postpone was laid on the table.

Yeas 21; Nays 10.

Yeas:

Messrs.:	Foshee	Lindsey	Owen	
Branyon	Gilmore	Littleton	Pelham	
Clark	Givhan	Lybrand	Register	
Cook	Harris	McLain	Vacca	
Cooper	Hawkins	Noonan	Wilson	
Fine	Horne			—21

Nays:

Messrs.:	Dominick	Hammond	Pierce	
Bailes	Dozier	Jones	Shelby	
Carr	Edington	King		—10

Mr. Bailes offered the following amendment to the Bill, S. B. 103, to-wit:

AMENDMENT TO S. B. 103

Substitute for Section 2 the following:

Section 2:

None of this appropriation nor any of the other monies from the General Fund of Alabama shall be used for duty of any State troopers outside the boundaries of the State of Alabama.

And renumber Section 2 as Section 3 and renumber Section 3 as Section 4.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 16. To amend Section 5 of Act No. 2307 of 1971 Regular Session relating to coverage of School Bus Drivers, etc., in the Teachers' Retirement System of Alabama.

Also:

H. 41. To provide for the transfer of cases from the Alabama Court of Criminal Appeals and the Alabama Court of Civil Appeals to the Supreme Court of Alabama.

Also:

H. 42. To amend Section 21 of Act No. 987, approved September

12, 1969, so as to provide that the Court of Criminal Appeals shall be composed of five judges who may sit in panels of three so long as three judges concur in the Court's decision; and to appropriate monies to carry out the provisions hereof.

Also:

H. 91. To authorize and direct the State of Alabama Personnel Board to establish tax-deferred annuity and deferred compensation programs for salaried state employees; to provide for voluntary salary-reduction contributions by employees; to provide for payroll deductions of the contributions for participating employees; to provide for the adoption of consolidated billing and administrative services by the Personnel Board; to prohibit any conflict with the provisions of the State of Alabama Employees Retirement System.

Also:

H. 119. To amend Section 5 of Act No. 1957, H. 1851, Legislature of 1971, Regular Session, approved September 20, 1971, an Act to provide for the regulation of the custom application of pesticides by aircraft and ground equipment, etc., said Section 5 thereof relating to the bond or liability insurance required by persons engaged in the custom application of pesticides.

Also:

H. 128. To exempt from all state, county and municipal sales and use taxes all medicines prescribed by a physician for persons 65 years of age or older; to provide acceptable means of proof of age for the purposes of this Act; to provide a penalty the filing of any false proof of age; and to repeal all laws which are in conflict with this Act and especially Act Number 2128, Acts of Alabama 1971, Regular Session, approved September 20, 1971.

Also:

H. 111. To amend Section 3 of Act No. 1958, H. 1874, 1971 Regular Session, approved September 20, 1971, entitled "An Act Relating to counties having populations of not less than 55,000 nor more than 56,500; to create in each of such counties a coliseum authority as a public corporation; for the purpose of providing a coliseum and related structures in such county; to provide for the appointment, term, and qualifications of the members of such authority; to prescribe the powers, duties and functions of said authority, including the power of eminent domain; to provide certain insurance coverage; to authorize the sale and issuance of interest bearing revenue bonds and refunding said bond; to declare such bonds to be negotiable instruments; to exempt from taxation properties of said authority and the income therefrom, and the bonds and the income therefrom;" so as to change the membership of the coliseum authority created by this Act.

JOHN W. PEMBERTON,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 98. To authorize the Ex-Officio Clerks of the County Courts, in Counties having a population of not less than 90,000 nor more than 100,000 inhabitants, according to the last or any subsequent Federal decennial Census, to destroy all Files, Shucks, or Envelopes, together with all papers filed therein in all Criminal Cases in such Courts after the expiration of Ten years from the date of final Judgments, but no authority is given herein to destroy the Consolidated Docket and Fee Book Sheets, Final Record Books or the Indices in such Cases.

Also:

H. 120. To amend Section 2 of Act No. 821 of the 1971 Regular Session of the Legislature of Alabama; to provide that the provisions of this amendatory Act shall be retroactive to September 7, 1971.

JOHN W. PEMBERTON,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 50. Mourning the death of Roberts Henry Brown.

Also:

H. J. R. 52. Mourning the death of the Reverend David W. Lewis, Pastor of the Five Points Baptist Church, Northport, Alabama.

JOHN W. PEMBERTON,

Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate

Joint Resolution and returns same herewith to the Senate:

S. J. R. 25. Relative to Commending Enterprise High School Band.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gloor:

H. J. R. 61. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Friday, December 17, 1971; and that when they adjourn on Friday, December 17, 1971, they adjourn to meet again on Saturday, December 18, 1971; and that when they adjourn on Saturday, December 18, 1971, they adjourn to meet again on Monday, December 20, 1971; and that when they adjourn on Monday, December 20, 1971, they adjourn to meet again on Tuesday, December 21, 1971; and that when they adjourn on Tuesday, December 21, 1971, they adjourn to meet again on Wednesday, December 22, 1971; and that when they adjourn on Wednesday, December 22, 1971, they adjourn to meet again on Thursday, December 23, 1971; and that when they adjourn on Thursday, December 23, 1971, they adjourn to meet again on Monday, December 27, 1971; and that when they adjourn on Monday, December 27, 1971, they adjourn to meet again on Tuesday, December 28, 1971; and that when they adjourn on Tuesday, December 28, 1971, they adjourn to meet again on Wednesday, December 29, 1971; and that when they adjourn on Wednesday, December 29, 1971, they adjourn to meet again on Wednesday, January 5, 1972.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 61, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 66. To make supplemental appropriations to the Dairy Commission for the fiscal years ending September 30, 1972 and September 30, 1973.

Also:

H. J. R. 38. Mourning the death of Roland Ellis Goodwin.

Also:

H. J. R. 46. Mourning the death of Gordon L. Robertson, prominent Alabama businessman.

Also:

H. J. R. 47. Commending Tommy Yearout for winning All South-eastern Conference honors and All American honors.

Also:

H. J. R. 51. Congratulating the Abbeville High School Football Team for being crowned co-champions of Alabama High School Football for Class 2-A.

Also:

H. J. R. 56. COMMENDING THE CELEBRATION OF THE SES-QUICENTENNIAL OF COVINGTON COUNTY—DECEMBER 7, 1821-1971 AND THE ESTABLISHMENT OF THE FIRST POST OFFICE AND COUNTY SEAT AT MONTEZUMA.

Also:

H. J. R. 58. MOURNING THE DEATH OF DR. WILLIAM PRATT DALE, II.

JOHN W. PEMBERTON,

Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 23. Relative to commending the Marion County High School Red Raiders Football Team for winning the Class A Football Championship and congratulating the coaches and Mr. Hubert Junkin, Principal.

JOHN W. PEMBERTON,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 24. Relative to increasing the legislative membership on the Science, Engineering, and Technology Study Commission.

JOHN W. PEMBERTON,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Pruitt, Robertson and Ellis:

H. J. R. 62. CONGRATULATING LIVINGSTON STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS CHAMPIONSHIP.

Also:

By Mr. McCorquodale:

H. J. R. 63. PROVIDING FOR THE PRINTING AND BINDING TOGETHER OF ALL ACTS OF ALL SESSIONS OF THE 1971 LEGISLATURE WHICH ARE CONVENED, CONCLUDED AND ADJOURNED DURING THE CALENDAR YEAR 1971.

Also:

By Mr. McCorquodale:

H. J. R. 65. TO ADD A NEW MEMBER TO THE HEALTH STUDY COMMISSION CREATED BY ACT NO. 2226, S. J. R. 70, APPROVED OCTOBER 1, 1971, WHO SHALL BE A LICENSED OPTOMETRIST APPOINTED BY THE ALABAMA OPTOMETRIC ASSOCIATION.

Also:

By Messrs. Hobbie, Callahan and Waggoner:

H. J. R. 67. CONGRATULATING REPRESENTATIVE AND MRS. JAMES D. HARRIS, JR. ON THE BIRTH OF THEIR DAUGHTER.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 62, 63, 65 and 67, the titles of which are set out in the foregoing Message from the House, were severally read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 103

The Senate proceeded to further consideration of the Bill, S. B. 103. The question was on the amendment offered by Mr. Bailes.

Mr. Wilson moved that said amendment be laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 5. To amend Section 35 of Act No. 30, approved May 31, 1963, relating to The Official Court Reporter For the County Court of Marshall County, Alabama.

Also:

S. 53. To amend Section 2 and to repeal Sections 3, 4, 6, and 7 of Act No. 1912, H. 2045, Regular Session 1971, which act provided salaries and clerical assistance for certain officers of counties having a population of not less than 39,500 nor more than 41,750, and to make the amendment retroactive to October 1, 1971.

Also:

S. 36. Relating to counties having a population of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

JOHN W. PEMBERTON,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President.

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 1. To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the Chief Justice and the Associate Justices of the Supreme Court, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 549), as amended by Act No. 594, General Acts of Alabama, 1959, p. 1483, and by Act No. 44, General Acts of Alabama, 1965, Special Sess., p. 64, and by Act No. 323, General Acts of Alabama 1969, Reg. Sess., p. 693, and to appropriate the funds for carrying out the provisions of this act.

JOHN W. PEMBERTON,

Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 23. Commending the Marion County High School Red Raiders Football Team.

Also:

S. J. R. 24. Increasing the membership on the Science, Engineering and Technology Study Commission.

Also:

S. J. R. 25. Commending The Enterprise High School Band.

Also:

S. 5. To amend Section 35 of Act No. 30, approved May 31, 1963, relating to The Official Court Reporter For the County Court of Marshall County, Alabama.

Also:

S. 36. Relating to counties having a population of not less than 24,000 nor more than 24,800 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Also:

S. 53. To amend Section 2 and to repeal Sections 3, 4, 6, and 7 of Act No. 1912, H. 2045, Regular Session 1971, which act provided salaries and clerical assistance for certain officers of counties having a population of not less than 39,500 nor more than 41,750, and to make the amendment retroactive to October 1, 1971.

JAMES S. CLARK,

Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF S. B. 103

The Senate proceeded to further consideration of the Bill, S. B. 103. The question was on the motion to table the amendment offered by Mr. Bailes.

On motion of Mr. Wilson, further consideration of the Bill and pending amendment was postponed temporarily.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 27. Relative to adjournment of the two Houses.

The Rules Committee then reported the following substitute for the Resolution, S. J. R. 27, to-wit:

SUBSTITUTE FOR S. J. R. 27

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the Senate adjourns this week, it adjourn to meet again on Wednesday, January 5, 1972, and that when the House adjourns December 16, it adjourn to meet again on January 5, 1972.

BE IT FURTHER RESOLVED That such adjournment shall be without pay.

On motion of Mr. Fine, said substitute was laid on the table.

Yeas 20; Nays 11.

Yeas:

Messrs.:	Dominick	Gilmore	Lindsey
Bailes	Dozier	Hammond	Littleton
Branyon	Edington	Hawkins	Owen
Carr	Fine	Jones	Pierce
Cook	Foshee	King	Wilder
Cooper			

—20

Nays:

Messrs.:	Horne	Noonan	Shelby
Clark	Lybrand	Pelham	Vacca
Harris	McLain	Register	Wilson

—11

Mr. Fine then offered the following substitute for the Resolution, S. J. R. 27, to-wit:

SUBSTITUTE FOR S. J. R. 27

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the Senate adjourns December 16, it adjourn to meet again on Wednesday, January 5, 1972, and that when the House adjourns December 16, it adjourn to meet again on January 5, 1972.

BE IT FURTHER RESOLVED That such adjournment shall be without pay.

Which was adopted.

Yeas 19; Nays 12.

Yeas:

Messrs.:	Dominick	Givhan	Lindsey
Bailes	Edington	Hammond	Littleton
Carr	Fine	Hawkins	Owen
Cook	Foshee	Jones	Pierce
Cooper	Gilmore	King	Wilder

—19

Nays:

Messrs.:	Horne	Noonan	Shelby
Clark	Lybrand	Pelham	Vacca
Dozier	McLain	Register	Wilson
Harris			

—12

And said Resolution, S. J. R. 27, as thus amended by the substitute, was then adopted by the Senate.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Vacca, further consideration of the Bill, S. B. 81, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 24. Authorizing any municipality of the State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census to declare noxious or dangerous weeds growing upon private property within such municipalities to be a public nuisance, and creating a lien upon the property where such nuisance exists for the cost of abating the same.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 24, to-wit:

AMENDMENT TO H. B. 24

Amend H. B. 24 in Section 3 the last sentence of the last paragraph by inserting between the word "addressed" and the word "shall" the following:

"to the owner of said property, with return receipt, acknowledge receipt of such notice"

Further amend H. B. 24 in Section 3 and Section 6 by striking the words and "seven (7)" and insert in lieu thereof the words and figures "fourteen (14)".

On motion of Mr. Dominick, said amendment was laid on the table.

Mr. Dominick offered the following amendment to the Bill, H. B. 24, to-wit:

AMENDMENT TO H. B. 24

Amend H. B. 24 in Section 3 by striking the last sentence of the last paragraph and by inserting the following new sentence in lieu thereof:

"The mailing of such notice by the City Clerk of such city, postage prepaid, properly addressed to the owner of said property, and delivered to addressee only, and the owner's subsequent acknowledgement of the receipt of said notice, shall constitute the giving of notice as required by the immediately preceeding sentence. In the event of multiple ownership, additional notices shall be mailed to each except that as to corporate ownership notice shall be deemed to be adequate if made to the President of said corporation.

Further amend H. B. 24 in Section 3 and Section 6 by striking the words and figures "seven (7)" and insert in lieu thereof the words and figures "fourteen (14)".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lybrand	Pierce	
Bailes	Hammond	McLain	Register	
Carr	Harris	Malone	Shelby	
Cook	Hawkins	Noonan	Vacca	
Dominick	Jones	Owen	Wilder	
Edington	King	Pelham	Wilson	
Fine	Littleton			—25

Nays:

—0

And said Bill, H. B. 24, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 3.

Yeas:

Messrs.:	Gilmore	Lybrand	Pierce	
Branyon	Hammond	McLain	Register	
Carr	Harris	Malone	Shelby	
Clark	Horne	Noonan	Vacca	
Dominick	Jones	Owen	Wilder	
Edington	King	Pelham	Wilson	
Fine	Littleton			—25

Nays:

Messrs.:	Bailes	Cook	Hawkins	—3
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The Bill:

H. 26. To amend further Section 4 of Act No. 547, Regular Session, 1965, relating to the establishment of a civic center in the municipality wherein there is located the county seat of any county of the State having a population of more than 500,000, approved August 20, 1965.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 26

Amend H. B. 26 by inserting in Section 4, in the third paragraph after the second sentence the following: "Two (2) of the remaining members shall be residents of the city of Birmingham, provided however that no member of the Board of Directors shall be a member of the Legislative Electoral College."

On motion of Mr. Dominick, said amendment was laid on the table.

Mr. Dominick offered the following amendment to the Bill, H. B. 26, to-wit:

AMENDMENT TO H. B. 26

Amend H. B. 26 by striking the second sentence in the third paragraph of Section 4 and inserting in lieu thereof the following:

"One of said members shall be the mayor or chief executive officer of the largest municipality in the county; at least two additional of said members shall be resident citizens of the largest municipality in

the county; one of said members shall be the President or Chairman of the governing body of the county; and none of said members shall be a member of the Legislative Electoral College."

Further amend the bill in the first line of the fourth paragraph of Section 4 by deleting the words "the adoption of this act" and insert in lieu thereof the words "this act, as amended, becomes applicable to the County".

In the eighth sentence, of the same paragraph, substitute as the 23rd word in the sentence the word "two" in lieu of "four".

In the 10th paragraph in the third sentence of Section 4, insert the words "this Act, as amended, becomes applicable to the County" in lieu of the words "the adoption of this act", and in the 4th sentence of the said paragraph insert before the word "members" the word "remaining".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lybrand	Pierce	
Bailes	Hammond	McLain	Register	
Carr	Harris	Malone	Shelby	
Cook	Hawkins	Noonan	Vacca	
Dominick	Jones	Owen	Wilder	
Edington	King	Pelham	Wilson	
Fine	Littleton			—25

Nays:

—0

And said Bill, H. B. 26, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Gilmore	Lybrand	Pierce	
Carr	Hammond	McLain	Register	
Clark	Harris	Malone	Vacca	
Cooper	Horne	Noonan	Wilder	
Dominick	Jones	Owen	Wilson	
Edington	King			—25

Nays: Messrs. Cook, Hawkins

—2

The Bill:

H. 81. To amend Section 2, subsection III. A. (23) (m) of Act No. 2, Second Special Session, 1971, which provides for appropriations from the State General Fund for the payment of subsidies for the Tuberculosis and Chronic Lung Disorders treatment.

Was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Carr	Cooper	Edington
Bailes	Clark	Dominick	Fine
Branyon	Cook	Dozier	Foshee

Gilmore
Givhan
Hammond
Harris
Hawkins

Horne
Jones
King
Lindsey
Littleton

Lybrand
McLain
Noonan
Owen
Pelham

Pierce
Shelby
Vacca
Wilder
Wilson

—31

Nays:

—0

CALENDAR BILL POSTPONED TO DAY CERTAIN

On motion of Mr. Owen, further consideration of the Bill, H. B. 132, was postponed until the Eleventh Legislative Day.

BILLS ON THIRD READING RESUMED

The Bill:

S. 121. Relative to municipalities in this state having a population of not less than 150,000 and not more than 300,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, convention and meeting facilities, providing ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity and providing off-street parking for the use of such enterprise; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor unless paid the reasonable value thereof; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; exempting any bonds issued under the act from the laws governing usury or prescribing or limiting interest rates; exempting the municipality from the provisions of Act No. 217 of the 1967 Special Session of the Legislature of Alabama, as amended, providing for competitive bidding, in connection with such properties and contracts and agreements in connection therewith; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:
Carr

Clark
Cook

Cooper
Edington

Foshee
Gilmore

Givhan	Jones	McLain	Register	
Hammond	King	Noonan	Shelby	
Harris	Lindsey	Owen	Vacca	
Hawkins	Littleton	Pelham	Wilson	
Horne	Lybrand			—25

Nays: —0

The Bill:

H. 123. To authorize the district attorney having jurisdiction in any county in the State of Alabama with a population of not less than 42,000 nor more than 49,500 to appoint an investigator or investigators and to prescribe their duties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Bailes	Fine	Lindsey	Pierce	
Branyon	Foshee	Littleton	Register	
Clark	Harris	Lybrand	Shelby	
Cooper	Hawkins	McLain	Wilder	
Dominick	Horne	Owen	Wilson	
Dozier	Jones			—25

Nays: —0

The Bill:

H. 151. Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Bailes	Fine	Lindsey	Pierce	
Carr	Foshee	McLain	Shelby	
Cook	Gilmore	Malone	Vacca	
Cooper	Givhan	Noonan	Wilder	
Dominick	Hammond	Owen	Wilson	
Dozier	Harris			—25

Nays: —0

The Bill:

H. 158. Relating to counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the most recent federal decennial census; to authorize the county governing bodies of such counties to appropriate \$675.00 each for the relief of J. W. Messer, Sr., J. M. Noles, and Doug Allen.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pelham
Bailes	Foshee	Lindsey	Pierce
Branyon	Gilmore	Littleton	Register
Carr	Givhan	Lybrand	Shelby
Clark	Hammond	McLain	Vacca
Cook	Harris	Owen	Wilson
Cooper	Horne		

—25

Nays:

—0

The Bill:

H. 153. To allow prospective jurors to be excused without the presence of the defendant in the Thirty-second Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	Littleton	Pelham
Clark	Hammond	Lybrand	Pierce
Cook	Harris	McLain	Register
Cooper	Hawkins	Malone	Shelby
Dominick	Horne	Noonan	Vacca
Dozier	Jones	Owen	Wilson
Edington	Lindsey		

—25

Nays:

—0

The Bill:

H. 154. To provide for and regulate the selection and empaneling of alternate jurors for the trial of any case triable by jury in the circuit courts of the thirty-second judicial circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Noonan
Bailes	Dozier	Jones	Owen
Branyon	Edington	Littleton	Register
Carr	Fine	Lybrand	Shelby
Clark	Foshee	McLain	Vacca
Cook	Harris	Malone	Wilson
Cooper	Hawkins		

—25

Nays:

—0

The Bill:

H. 155. Relating to judicial procedure in the Thirty-second judicial circuit; regulating and providing further for the separation of the jury by consent in capital or non-capital felony cases in such circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Bailes	Foshee	Littleton	Pierce	
Branyon	Gi more	Lybrand	Register	
Carr	Hawkins	McLain	Shelby	
Clark	Horne	Malone	Vacca	
Dozier	Jones	Owen	Wilson	
Edington	King			—25

Nays:

—0

The Bill:

H. 156. To abolish the drawing of special venires in capital cases in the Thirty-second Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	King	Noonan	
Bailes	Fine	Lindsey	Pelham	
Branyon	Foshee	Littleton	Pierce	
Carr	Gilmore	Lybrand	Register	
Clark	Givhan	McLain	Wilder	
Cook	Hammond	Malone	Wilson	
Cooper	Harris			—25

Nays:

—0

The Bill:

S. 113. To further amend Section 13 of Act No. 934 approved September 9, 1961, General Acts of Alabama, 1961, Vol. II, page 1506, as amended, entitled: "An Act, To provide for a program of tax equalization of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census; to more fully define the duty, authority and responsibility of the Tax Assessor of such counties in the matter of equalizing assessments of real property within such counties; to provide for the division of such counties into districts for the purpose of tax assessment records; to require that certain records be kept and maintained on a current basis by the Tax Assessor of such counties; to describe the manner in which such records are to be kept; to provide a time within which the equalization program required herein is to be initially completed; to provide for a continuous program of appraisal of real property within such counties; to provide for the assessments of improvements to real property within such counties; to prescribe penalties for failure to assess, or properly assess, improvements to real property within such counties; to prohibit the remittance of any such penalties except as provided for by this Act; to provide for the publishing of reports of the progress of the carrying out of the provisions of the Act; to provide for a portable set of assessment records for use by appraisers appointed by the Tax Assessor; to define the duties of the Board of Equalization in such counties in the matter of the equalization of assessments of real property, to provide that no outstanding obligations against the proceeds of any tax derived from assessments of real properties in such counties shall be impaired by the provisions of this Act; to provide for appeals of any assessment made by the Tax Assessor or ruling of the Board of Equalization of such counties; to provide for the necessary personnel, supplies, materials,

and equipment to carry out the provisions of this Act and to provide the manner in which personnel are to be appointed in such counties; to provide for the severability of the provisions of the Act; to repeal all laws or parts of laws in conflict with the provisions of this Act."

was taken up.

Mr. Noonan offered the following substitute for the Bill, S. B. 113, to-wit:

SUBSTITUTE FOR S. 113

A BILL TO BE ENTITLED AN ACT

To provide for the duties and compensation for the members of the Board of Equalization in all counties having a population of not less than 300,000 nor more than 500,000 according to the last federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. All laws or parts of laws to the contrary notwithstanding in all counties having a population of not less than 300,000 nor more than 500,000 according to the last federal decennial census, the duties and responsibilities of the Board of Equalization shall be as follows:

(a) To act as an appeal body to hear all appeals from values set by the Tax Assessor of such county on all real property assessments and to have and exercise final authority (except that this shall not preclude the normal appeal rights of the property owner from the decision of the board as now provided by law) on all values set by the Tax Assessor on such property.

(b) To maintain and carry out such a random system of inspection of all such assessments so as to determine the fairness of all assessments made by the Tax Assessor and to review and revise all such values not in keeping with the state wide equalization laws.

(c) After such inspections have been carried out and after all such values have been reviewed and revised, the Board of Equalization shall certify to the Tax Assessor and taxpayers that all assessments made for each year are in keeping with the requirements of the law and are final for that particular tax year.

(d) Before making such certification as required above, the Board of Equalization shall after due notice as required by law, notify the taxpayer or property owner of all changes made in his or her assessment, provided that when such assessments are increased the notice shall be sent by certified mail during the month of April to the last owner assessing such property in time to allow the taxpayer to file an appeal from such changes that he may deem unfair for any reason.

(e) Upon the receipt of such appeals from the property owner or his agent the Board of Equalization shall set the time for hearing such complaints and shall prepare a docket setting the date and time for hearing each individual complaint, provided that the time shall begin with the first week in May and shall be completed by the end of June for each tax year.

Section 2. Compensation: The compensation of the Board of Equalization for the above duties shall be \$6,000 per annum for the chairman and \$5,500 per annum for the associate members and shall be paid as follows; twenty-two and one-half percent by the State of Alabama; thirty-eight and three-fourths percent by the County and thirty-eight and three-fourths percent by the largest municipality in the county.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	King	Owen	
Carr	Givhan	Lindsey	Pelham	
Clark	Hammond	Littleton	Shelby	
Cook	Harris	Lybrand	Vacca	
Cooper	Hawkins	McLain	Wilder	
Dominick	Horne	Noonan	Wilson	
Edington	Jones			—25

Nays:

—0

And said Bill, S. B. 113, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Noonan	
Bailes	Edington	King	Owen	
Branyon	Givhan	Lindsey	Pelham	
Carr	Hammond	Littleton	Register	
Clark	Harris	Lybrand	Shelby	
Cook	Hawkins	McLain	Vacca	
Cooper	Horne			—25

Nays:

—0

The Bill:

H. 1. To amend Act No. 74, Acts of Alabama, Special Session 1961, approved September 15, 1961, which provides for a Judicial Conference for the State of Alabama; to prescribe the membership thereof, their duties and terms of office.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Givhan	Jones
Bailes	Dozier	Hammond	King
Clark	Edington	Harris	Littleton
Cook	Fine	Hawkins	Lybrand
Cooper	Foshee	Horne	McLain

Noonan	Pierce	Wilder	Wilson	
Owen	Shelby			—25
Nays:				—0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Edington, further consideration of the Bill, H. B. 118, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 120. To authorize the formation of professional corporations for the purpose of rendering professional services; to prescribe the manner of organization of such corporations; to limit the purposes of the organization of such corporations; to limit membership in or shareholders of such corporation to persons so licensed to practice in the State of Alabama; to regulate the naming of such corporations; to regulate the issuance of stock in such corporations; to regulate the rendering of professional services furnished by such corporations; to preserve professional relationships and regulations; to prohibit certain acts; to provide for severance of interests in such corporations; to provide for the death or disqualification of shareholders; to require the submission of annual certificates and reports; and to limit mergers or consolidations.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, S. B. 120, to-wit:

AMENDMENT TO S. 120

Section 8 is amended to read as follows:

Section 8. Registration with Regulating Board

Each corporation incorporated under this act shall immediately file notice with the Regulating Board in writing and such notice shall contain the name and address of the corporation and the name and home address of each incorporator and shareholder of the corporation licensed to practice such profession in Alabama. A fee of \$25.00 shall be paid the board with each initial notice.

Section 9 is amended to read as follows:

Section 9. Annual Registration

Each Professional Corporation shall file with the Regulating Board on or before January 30 of each year a statement disclosing the name of the Professional Corporation and the name and home address of each shareholder of the corporation licensed to practice such profession in Alabama. A fee of \$10.00 shall be paid the board with each annual notice.

Section 12 is amended to read as follows:

Section 12. Who May be an Officer, Director or Shareholder

Members of the Board of Directors need not be shareholders of the Professional Corporation and officers of the Professional Corporation need not be members of the Board of Directors or shareholders except

that the President shall be a member of the Board of Directors, provided that no officer or member of the Board of Directors who is not duly licensed to practice the profession for which the Professional Corporation was organized shall participate in any decisions constituting the practice of said profession.

Section 21 is amended to read as follows:

Section 21. Limitations on Merger or Consolidation.

A professional corporation organized under this act may consolidate or merge only with another professional corporation organized under this act or a professional association organized under the provisions of Act Number 865 of the 1961 Legislature as amended, and licensed by the same licensing board.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Owen
Bailes	Fine	King	Pelham
Branyon	Foshee	Lindsey	Pierce
Carr	Givhan	Littleton	Shelby
Cooper	Hammond	Lybrand	Vacca
Dominick	Hawkins	McLain	Wilder
Dozier	Horne	Noonan	Wilson

—27

Nays:

—0

And said Bill, S. B. 120, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Owen
Bailes	Edington	King	Pelham
Branyon	Fine	Lindsey	Pierce
Carr	Foshee	Littleton	Shelby
Clark	Givhan	Lybrand	Vacca
Cook	Harris	McLain	Wilder
Cooper	Hawkins	Noonan	Wilson
Dominick	Horne		

—29

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 24. Authorizing any municipality of the State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census to declare noxious or dangerous weeds growing upon private property within such municipalities to be a public nuisance,

and creating a lien upon the property where such nuisance exists for the cost of abating the same.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 26. To amend further Section 4 of Act No. 547, Regular Session, 1965, relating to the establishment of a civic center in the municipality wherein there is located the county seat of any county of the State having a population of more than 500,000, approved August 20, 1965.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 27. Relative to the adjournment of the two Houses.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 116. To make additional appropriations to the Department of Public Safety.

was taken up.

Mr. Bailes offered the following amendment to the Bill, H. B. 116, to-wit:

AMENDMENT TO H. B. 116

Insert after the last sentence of Section 1 the following: None of the appropriations herein made or heretofore made may be used to pay the salaries or expenses of any State Trooper outside the boundaries of the State of Alabama except in the actual duty of guarding the person of the Governor of Alabama while the Governor is on official duty representing the State or attending recognized official conferences.

MOTION TO ADJOURN LOST

At 8:30 P. M., Mr. Wilder moved that the Senate adjourn until Wednesday, January 5, 1972, at 2 o'clock P. M., which motion was lost.

Yeas 14; Nays 17.

Yeas:

Messrs.:
Bailes

Carr
Cook

Cooper
Dominick

Fine
Foshee

Jones	Lindsey	Pierce	Wilder	
King	Littleton	Vacca		—14

Nays:

Messrs.:	Givhan	Lybrand	Pelham	
Branyon	Hammond	McLain	Register	
Clark	Harris	Noonan	Shelby	
Dozier	Hawkins	Owen	Wilson	
Edington	Horne			—17

FURTHER CONSIDERATION OF H. B. 116

The Senate proceeded to further consideration of the Bill, H. B. 116. The question was on the amendment offered by Mr. Bailes.

Mr. Bailes requested unanimous consent to withdraw his amendment to the Bill, H. B. 116, which was granted, and said amendment was withdrawn.

MOTION IN WRITING

Mr. McLain offered the following Motion in Writing, to-wit:

"MOTION IN WRITING"

"I move to carry over H. 116 for one legislative day without losing its place on the Calendar."

MOTION TO ADJOURN LOST

At 9:25 P. M., Mr. Foshee moved that the Senate adjourn until Wednesday, January 5, 1972, at 2 o'clock P. M., which motion was lost.

Yeas 11; Nays 17.

Yeas:

Messrs.:	Dozier	Givhan	Littleton	
Branyon	Fine	Jones	Pierce	
Cooper	Foshee	Lindsey	Wilder	—11

Nays:

Messrs.:	Edington	King	Pelham	
Bailes	Hammond	Lybrand	Shelby	
Clark	Harris	Noonan	Vacca	
Cook	Hawkins	Owen	Wilson	
Dominick	Horne			—17

RESOLUTION

Mr. Cooper offered the following Senate Resolution, to-wit:

SENATE RESOLUTION NO. 29

BE IT RESOLVED by the Senate of Alabama that the Justices of the Supreme Court of Alabama, as provided under the authority of Title 13, Section 34, Code of Alabama 1940, are hereby respectfully requested to render to the Senate their written opinion on the following important constitutional questions.

TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF ALABAMA.
Gentlemen:

1. A constitutional amendment has been proposed by a Senate Substitute for House Bill 56, copy of which is attached, which proposes a classification system for the purpose of levying and collecting ad valorem taxes in the State of Alabama, for both state and local tax purposes. This amendment also proposes that the Legislature may authorize a uniform rate of assessment for purposes of local ad valorem taxes and that the assessment ration and method of assessment of taxable property for local ad valorem taxes may vary from one county to another.

QUESTION:

1. Are the four classes created under Section 217(a) reasonable and not violative of the 14th amendment to the United States Constitution?

2. Does Section 217(c) which allows the Legislature to vary the assessment ratio for each class within a county or to establish a uniform ratio of assessment within a county violate the 14th amendment to the United States Constitution?

3. Do Sections 217(d) and Section 217(e) constitute unlawful delegation of the Legislative powers of the Alabama Legislature.

2. Senate substitute for House Bill 57 is also proposed as the enabling act for the above proposed constitutional amendment. Copy of said substitute is attached.

QUESTION:

1. Are the four classes created under Section 1, subsection 1, reasonable and not violative of the 14th amendment to the United States Constitution?

2. Are the definitions in Sections 2(a), (b), (c) and (d) reasonable under the requirements to the 14th amendment to the United States Constitution?

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF H. B. 116

The Senate proceeded to further consideration of the Bill, H. B. 116. The question was on the Motion in Writing to postpone for one legislative day, which was adopted.

RESOLUTION

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 30. **RESOLVED BY THE SENATE** That the following bills be made special, paramount and continuing order of business for the Senate until disposed of, taking priority over all other bills on the calendar immediately upon adoption of the Resolution, and continuing on subsequent days on reaching Bills on Third Reading on the Regular Order of Business:

H. B. 59 on Page 1 of Supplement

H. B. 56 on Page 1 of Supplement

H. B. 57 on Page 2 of Supplement

H. B. 116 on Page 12

Mr. Fine offered the following substitute for the Resolution, S. R. 30, to-wit:

SUBSTITUTE FOR S. R. 30

RESOLVED BY THE SENATE That the following bills be made special, paramount and continuing order of business for the Senate until disposed of, taking priority over all other bills on the calendar immediately upon adoption of the Resolution, and continuing on subsequent days on reaching Bills on Third Reading on the Regular Order of Business:

1. H. B. 56
2. H. B. 57
3. H. B. 59
4. H. B. 116

On motion of Mr. Clark, said substitute was laid on the table.

Yeas 20; Nays 11.

Yeas:

Messrs.:	Edington	King	Pierce	
Bailes	Hammond	Lybrand	Register	
Carr	Harris	McLain	Shelby	
Clark	Hawkins	Noonan	Vacca	
Cook	Jones	Pelham	Wilson	
Dominick				—20

Nays:

Messrs.:	Dozier	Givhan	Littleton	
Branyon	Fine	Horne	Owen	
Cooper	Foshee	Lindsey	Wilder	
				—11

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Reynolds:

H. 181. To provide for the compensation of all court bailiffs, members of the jury commission, members of the board of registrars and members of the tax equalization board of all counties having a population of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census, and repealing Act No. 913, H. 1703, 1971 Regular Session, approved September 7, 1971, and other laws conflicting herewith.

Also:

By Messrs. Gloor, Doss, Erdreich, Parker (H), Falkenburg and Ellis:

H. 53. To authorize any county having a population of 600,000 or more according to the last or any succeeding federal decennial census to become a lessee under a lease or contract of lease respecting any building or buildings located or to be located in the county suitable as a community or meeting house, an auditorium, an arena, a convention

hall, or a place of recreation, for a term not to exceed thirty years, from the State, any city located in the county, or certain public corporations, to provide the terms and conditions of any such lease or contract, to provide that any such county may be joint lessee with any other municipality in such county and that the obligations of any such county may be individual and separate or joint and several, to provide that the obligation of any such county under any such lease or contract may be a general obligation secured by its full faith and credit and by such other pledge or assignment of its tax proceeds or revenues as may be agreed upon, or that such obligation may be a limited obligation, to provide for the inclusion of the obligations of any such county under any such lease or contract in the budget of such county and that any such county shall pay over rent and its other financial obligations due thereunder without further act by its governing body, to provide the circumstances under which any such contract or lease shall not be repealed, revoked, altered or amended, to provide for the severability of the provisions of this act, to provide that the approval of such lease or contract of lease by the governing body of any such county shall be sufficient and that no other approval, registration, audit or allowance shall be required, and to exempt any such contract or lease from all taxation, from the provisions of Chapter 6 of Title 12 of the Code of Alabama of 1940, as amended, and all other provisions of law with respect thereto.

Also:

By Messrs. Lutz, King and Grainger:

H. 183. To amend Act No. 1979, H. 2122, Regular Session 1971, which provides for the establishment and operation of family court divisions in circuit courts of all counties having populations of not less than 175,000 nor more than 300,000, and providing for the selection and compensation of their officers, and administrative personnel, so as to provide further for the selection of the judge of said division and the compensation of his bailiff.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 181 and 183. To the Committee on Local Legislation No. 1.

H. B. 53. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

We are witnessing in the State Senate tonight, and have witnessed for most of the past year, a situation which must be repulsive to the vast majority of Alabamians. The situation there has again deteriorated into one of purely petty, partisan politics. A small obstructionist group

which has been at work for a full year fighting this administration on any and every measure is again at work. They are not interested in the orderly processes of government, the wishes of their own constituency or the welfare of the people of this State. Their sole interest in the political harassment and attempted embarrassment of George Wallace and his Administration. Nothing else matters.

Unfortunately, at this time the Legislature is faced with one of the most important and crucial questions of the century—the matter of equalization of property taxes on our citizens.

In June of this year the Federal Court rendered its *ad valorem* decision and the membership of the Senate has known since that time that it must meet this issue. The matter really should have been resolved in the Regular Session of the Legislature before its chaotic conclusion, leaving the State without funds for operating the functions of government. Had the minority group in the Senate, the so called *ad hoc* group, not deliberately sabotaged the session, making it a strictly anti-Wallace affair, these and many other matters important to the people of Alabama could have been resolved. There really would have been no reason for a Special Session for tax equalization purposes.

The legislation now before you providing additional troopers for the safety and welfare of our citizens is not a matter deserving of filibuster. It is an important matter for no one denies that we do need more protection for the life, property and safety of our citizens. Almost daily some crisis arises which requires the attention of our State police and these incidents continue to mount.

It is foolhardy not to provide the means to meet these emergencies and a Governor would be derelict not to request that they be provided for. I feel I can say the same for any group who opposes something so obviously needed with foolish and inane arguments.

Be that as it may, I have done my duty in asking you to provide these additional troopers because I have been advised by the Director of the Department of Public Safety that he has been warned by the U. S. Department of Justice, and the F.B.I. that we should promptly beef-up our State police and Security forces.

But aside from the matter of the troopers, a minority group in the Senate has filibustered and obstructed the orderly processes of the Senate and this group is composed of those who really seek to continue to fight the Governor's race of 1970 rather than work for the good of the people of Alabama in 1971. They thought Wallace was defeated. But the people of Alabama were stronger than the National Democrats, The National Republicans, the special-interest groups and most politicians combined. This has always been and always will be the case.

You now have resolved to come back on January 5, 1972, after having been in session three weeks. Had it not been for the actions of the minority anti-Wallace group in the Senate, you would have already passed reapportionment, redistricting and *ad valorem* tax bills. But as it stands now, you are going to be in session in the year 1972 and are approaching the point where this Legislature will have cost the tax payers \$3,000,000.00.

The House has acted on the *ad valorem* matter and I congratulate them. They have sent you legislation which you can either approve or reject, or you may substitute legislation of your own choosing. I think it is time for you to either act or go home. The minority group has made a farce of this Legislature. If they continue to do so, we will have to raise taxes just to pay the filibustering Legislators their \$40.00 per day salaries.

I call upon you to act in the interest of the tax paying citizens of the State of Alabama, cease these obstructionist tactics and act upon the matters before you. The people's patience is at an end. Either put up or shut up.

Respectfully,
GEORGE C. WALLACE,
Governor of Alabama.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

MOTION TO ADJOURN LOST

At 11:40 P. M., Mr. Horne moved that the Senate adjourn until Wednesday, January 5, 1972, at 2 o'clock P. M., which motion was lost.

FURTHER CONSIDERATION OF S. R. 30

The Senate proceeded to further consideration of the Resolution, S. R. 30.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 4

S. J. R. 5

S. J. R. 9

S. J. R. 10

S. J. R. 14

S. J. R. 15

Delivered to the Governor, December 7, 1971, at 2:35 P. M.

S. J. R. 6

S. J. R. 21

S. B. 3

S. B. 4

S. B. 23

S. B. 38

S. B. 39

S. B. 57

S. B. 58

S. B. 69

S. B. 70

S. B. 73

S. B. 74

S. B. 75

Delivered to the Governor, December 14, 1971, at 4:30 P. M.

S. B. 7

S. B. 59

S. B. 60

S. B. 65

S. B. 68

S. B. 72

S. B. 40

Delivered to the Governor, December 16, 1971, at 3:30 P. M.

S. J. R. 23

S. J. R. 24

S. J. R. 25

S. B. 5

S. B. 36

S. B. 53

Delivered to the Governor, December 16, 1971, at 7:00 P. M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11:55 P. M., on motion of Mr. Owen, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Resolution, S. R. 30, the Senate adjourned until Wednesday, January 5, 1972, at 3 o'clock P. M.

TENTH LEGISLATIVE DAY

WEDNESDAY, JANUARY 5, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Dr. J. R. White, Pastor, First Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	Horne	O'Bannon
Bailes	Fine	Jones	Owen
Branyon	Foshee	King	Pierce
Carr	Gilmore	Lindsey	Register
Clark	Givhan	Littleton	Shelby
Cook	Hammond	McLain	Vacca
Cooper	Harris	Malone	Weaver
Dominick	Hawkins	Noonan	Wilder
Dozier			

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JOURNAL

On motion of Mr. Clark, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,

Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Clark, leaves of absence were granted Messrs Pelham, Lybrand and Wilson for today.

REPORT OF

COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 1. To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the Chief Justice and the Associate Justices of the Supreme Court, to prescribe their duties and fix their compensation," (General Acts of Ala-

bama, Reg. Sess., 1953, p. 549), as amended by Act No. 594, General Acts of Alabama, 1959, p. 1483, and by Act No. 44, General Acts of Alabama, 1965, Special Sess., p. 64, and by Act No. 323, General Acts of Alabama 1969, Reg. Sess., p. 693, and to appropriate the funds for carrying out the provisions of this act.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Harris:

S. 132. To amend Act No. 403, H. 330, Regular Session 1971, approved August 19, 1971, amending Section 18 of said Act in relation to the counties in which the Act shall not apply.

Committee on Local Legislation No. 1.

By Mr. McLain:

S. 133. Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; repealing all laws or parts of laws inconsistent with the provisions hereof.

Committee on Local Legislation No. 1.

By Mr. Givhan:

S. 134. To provide further for the compensation of the members of the board of education of Perry County.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

Relating to counties having a population of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census; to provide that the members of the county board of education be paid an expense allowance of \$50 a month.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 14,500 nor more than 15,500 inhabitants, according to the most recent federal decennial census.

Section 2. All members of the county board of education in such counties shall be paid an expense allowance of \$50 per month out of any education funds available to the county for such purposes. The expense allowance provided for by this Act shall be in addition to any and all other expense allowances, compensation and salary provided for by law.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF PERRY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Albert Stewart, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Marion Times-Standard, a newspaper of general circulation published in Perry County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Dec. 9, Dec. 16, Dec. 23, and Dec. 30, all in the year 1971.

ALBERT STEWART.

Sworn to and subscribed before me December 30, 1971.

ELIZABETH F. STEWART,

Notary Public, Perry Co., Ala.

By Mr. Clark:

S. 135. To provide for the payment of actual necessary travel expenses of all officers and personnel of the State Treasurer's office, when traveling within the State of Alabama on state business.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Jones and Pierce:

S. 136. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 2 and 11, Township 16N, Range 18E, Montgomery County, Alabama.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA

MONTGOMERY COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 2 and 11, Township 16 N, Range 18 E, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

"Beginning at a point on the south line of the Wares Ferry Road, said point on the east line of Section 11, T16N, R18E; thence southwesterly along the south line of the Wares Ferry Road to a point on the half section line running north and south through Section 11, T16N, R18E; thence north along said half section line to the north line of Section 11, T16N, R18E; thence west along the north line of said Section 11 to the northwest corner of said Section 11, said point also being the southeast corner of Section 3, T16N, R18E; thence continuing west along the south line of Section 3, T16N, R18E to a point 179.8 feet west of the southeast corner of said Section 3; thence north and parallel with the east line of Section 3 a distance of 436.57 feet; thence east 179.8 feet to the east line of said Section 3; thence north along the east line of Section 3 to a point 20 feet east of the northeast corner of Lot 18, of the Plat of Dalraida, as the same appears of record in the Office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 3 at Page 61; thence east along the half section line running east and west through the center of Section 2, T16N, R18E, to the east line of said Section 2; thence south along the east line of said Section 2 and the east line of said Section 11, T16N, R18E, to the point of beginning.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

THE STATE OF ALABAMA

COUNTY OF MONTGOMERY

Before me, Margaret Morgan a Notary Public in and for said County in said State, personally appeared Guyton Parks who is known to me and who first being by me duly sworn, doth on oath, depose and say:

That he is General Manager of the Alabama Journal a newspaper published in the City of Montgomery, County of Montgomery and State of Alabama; that the foregoing and attached copy of "Legal Notice" appeared in the regular editions of the said newspaper pub-

lished in the City and County of Montgomery and State of Alabama, on the following dates: December 3, 10, 17 & 24, 1971.

GUYTON PARKS.

Sworn to and subscribed before me this the 24th day of December 1971.

MARGARET B. MORGAN,

Notary Public,

Montgomery County, Alabama.

By Mr. Noonan:

S. 137. To amend further Code of Alabama of 1940, Title 51, Section 89, which prescribes the manner of appointing members of the several boards of equalization in this State, amending such section so as to make the provision requiring nominees for appointment to such boards to qualify by taking a civil service examination applicable in certain counties having populations of 300,000 or more.

Committee on Local Legislation No. 2.

By Mr. Owen:

S. 136. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent or any subsequent federal decennial census; further providing for the procedure for redeeming lands sold for taxes in such counties; transferring certain duties of the probate judge to the tax collector; relieving the probate judge of such duties; providing additional compensation for the tax collector for performing such extra, new and additional duties; and repealing conflicting acts.

Committee on Local Legislation No. 1.

By Messrs. Owen and Givhan:

S. 139. To make a supplemental appropriation to the Farmers Market Authority for the fiscal years ending September 30, 1972 and September 30, 1973.

Committee on Finance and Taxation.

By Mr. Owen:

S. 140. To amend further Act No. 672, S. 99 of the Regular Session of 1965 (Acts 1965, p. 1208), which is known as the Farmers Market Authority Act, said amendment relating to the annual salary of the Administrator of the Farmers Market Authority.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Cooper:

S. 141. To amend Act No. 1594, Regular Session, 1971, so as to appropriate the fees received in Section 4 and Section 13 therein.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Cooper:

S. 142. To amend Section 2 and Section 9 of Act No. 1516, Regular Session, 1971, so as to appropriate the fees received in Section 9.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Cooper:

S. 143. To amend Act No. 1590, Regular Session, 1971, so as to appropriate the fees received in Section 2.

Committee on Commerce, Transportation
and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hale, Nettles, Stewart, Turnham, Erdreich, Flipppo, Straiton, Bank, Cherner, Hobbie, King, Hill, Grainger, Jones (F), McBride, Parker (T), Culver, Weeks, Boutwell, Waggoner, Carnes, Turner, McDonald, McCorquodale and Robertson:

H. 172. To provide that any person who is qualified to vote an absentee ballot at any election held in this State because of attendance at an institution of higher learning outside of the county of his residence, or the spouse or child of such person, shall automatically be mailed an absentee ballot before each election.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 172. To the Committee on Constitution and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 54. To amend Act No. 439, S. 731, Regular Session 1971, approved August 26, 1971, which act provides for the operating expenses of certain county officers, in counties having a population of not less 39,500, nor more than 41,750, by providing said expenses for the circuit clerk in such counties, retroactive to October 1, 1971.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Harris, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 54, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 54

Amend the title of Senate Bill No. 54 by adding after the word "less" and before the figures "39,500" the following word: "than".

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pierce
Clark	Foshee	Lindsey	Register
Cook	Gilmore	Littleton	Shelby
Cooper	Givhan	McLain	Vacca
Dominick	Harris	Malone	Weaver
Dozier	Horne	Owen	Wilder
Edington	Jones		

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Nays:

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REPORTS OF COMMITTEES

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gloor, et al:

II. 53. To authorize any county having a population of 600,000 or more according to the last or any succeeding federal decennial census to become a lessee under a lease or contract of lease respecting any building or buildings located or to be located in the county suitable as a community or meeting house, an auditorium, an arena, a convention hall, or a place of recreation, for a term not to exceed thirty years, from the State, any city located in the county, or certain public corporations, to provide the terms and conditions of any such lease or contract, to provide that any such county may be joint lessee with any other municipality in such county and that the obligations of any such county may be individual and separate or joint and several, to provide that the obligation of any such county under any such lease or contract may be a general obligation secured by its full faith and credit and by such other pledge or assignment of its tax proceeds or revenues as may be agreed upon, or that such obligation may be a limited obligation, to provide for the inclusion of the obligations of any such county under any such lease or contract in the budget of such county and that any such county shall pay over rent and its other financial obligations due thereunder without further act by its governing body, to provide the circumstances under which any such contract or lease shall not be repealed, revoked, altered or amended, to provide for the severability of the provisions of this act, to provide that the approval of such lease or contract of lease by the governing body of any such county shall be sufficient and that no other approval, registration, audit or allowance shall be required, and to exempt any such contract or lease from all taxation, from the provisions of Chapter 6 of Title 12 of the Code of Alabama of 1940, as amended, and all other provisions of law with respect thereto.

By Mr. Gloor, et al:

H. 52. To authorize any city having a population of 300,000 or more according to the last or any succeeding federal decennial census to become a lessee under a lease or contract of lease respecting any building or buildings located or to be located in the city suitable as a community or meeting house, an auditorium, an arena, a convention hall, or a place of recreation, for a term not to exceed thirty years, from the State, the county in which any such city is located, or certain public corporations, to provide the terms and conditions of any such lease or contract, to provide that any such city may be joint lessee with

such county or with any other municipality in such county and that the obligations of any such city may be individual and separate or joint and several, to provide that the obligations of any such city under any such lease or contract may be a general obligation secured by its full faith and credit and by such other pledge or assignment of its tax proceeds or revenues as may be agreed upon, or that such obligation may be a limited obligation, to provide for the inclusion of the obligations of any such city under any such lease or contract in the budget of such city and that any such city shall pay over rent and its other financial obligations due thereunder without further act by its governing body, to provide the circumstances under which any such contract or lease shall not be repealed, revoked, altered or amended, to provide for the severability of the provisions of this act, and to exempt any such contract or lease from all taxation and all other provisions of law with respect thereto.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Jones and Pierce:

S. 123. To provide staff assistants for the Commissioner of Public Works and for the Commissioner of Public Affairs in all cities having a population of not less than 70,000 nor more than 135,000 inhabitants, according to the most recent federal decennial census, which have a commission form of government.

By Mr. Horne:

S. 126. Providing further for the operation and functioning of the Court of Common Pleas of Lee County; authorizing and providing for an additional expense allowance for the judge of such court; authorizing and regulating the employment of certain officers, clerks and other assistants and employees for the court; and providing for the payment of their salaries and certain expenses out of the county treasury.

By Messrs. Benton and Kinsey:

H. 14. Relating to counties having a population of not less than 57,000 nor more than 61,000; requiring the rotation of duties among the county commissioners elected in each such county.

By Messrs. Hobbie, Jones (F), Taylor and Straiton:

H. 88. Relating to counties having a population of not less than 150,000 nor more than 180,000; authorizing the judge of probate, or other officer charged with issuing motor vehicle license plates, to issue such tags for use on unmarked law enforcement vehicles without charge.

By Messrs. Smith (P) and McCluskey:

H. 121. Proposing an amendment to the Constitution of Alabama relating to the levy and collection of a special property tax in Talladega County for the purpose of enabling such county and the municipalities therein to establish and maintain a system or systems for the collection and disposal of garbage, trash and other solid wastes.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Brassell:

H. 122. To authorize the county governing body of any city in any county having a population of not less than 42,000 nor more than 49,500 to provide an expense allowance for the district attorney of the Judicial Circuit within such county; to repeal Act No. 51, H. 82, 1970 Special Session (Acts 1969-70, p. 2674) and other Acts which conflict with the provisions of this Act.

By Messrs. Flipppo and Hill:

H. 140. To amend Act No. 1695 (H. 2263, approved September 17, 1971, which relates to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants, according to the most recent federal decennial census, and creates a civil service board in said counties to assure the more efficient operation of the sheriff's department; amending such bill in relation to the work load of uniformed deputy sheriffs.

By Messrs. Brassell and Adams:

H. 148. To amend further the title and Section 1 of Act No. 251, H. 701, Regular Session 1969 (Acts 1969, p. 583), as amended, which abolishes the public highway and traffic funds in the county treasuries and provides for the transfer of such monies to the general fund and for the deposit of certain other monies in such general fund, in certain counties classified on a population basis; by revising the mode of disbursement of said funds, and making such revision retroactive.

By Messrs. McDonald, Drake and St. John:

H. 152. To Amend Section 35 of Act No. 30, approved May 31, 1963, Relating to The Official Court Reporter For The County Court of Marshall County, Alabama.

By Messrs. Kinsey and Benton:

H. 161. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; providing that the county governing body may authorize the probate judge, tax assessor and tax collector to operate branch offices in the southern portion of such county; and to provide that such offices shall remain open for the transaction of business during certain periods of the year and during certain hours of each day.

By Mr. Reynolds:

H. 181. To provide for the compensation of all court bailiffs, members of the jury commission, members of the board of registrars and members of the tax equalization board of all counties having a population of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census, and repealing Act No. 913, H. 1703, 1971 Regular Session, approved September 7, 1971, and other laws conflicting herewith.

By Messrs. Lutz, King and Grainger:

H. 183. To amend Act No. 1878, H. 2122, Regular Session 1971, which provides for the establishment and operation of family court divisions in circuit courts of all counties having populations of not less than 175,000 nor more than 300,000, and providing for the selection and compensation of their officers, and administrative personnel, so as to provide further for the selection of the judge of said division and the compensation of his bailiff.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee,

in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Horne:

S. 125. To amend Act No. 407, H. 198 of the Regular Session of 1971, which establishes general qualifications for licensees as insurance agents, brokers and solicitors, so as to provide that the residence and domiciliary requirement may be waived if the applicant for a license is a bona fide resident of and maintains an established office in a populous community lying partly in Alabama and partly in an adjoining state, which is composed of two or more contiguous cities, towns, or villages not completely separated by a natural boundary.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Crowe and Naramore:

H. 171. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Fourteenth Judicial Circuit of Alabama.

UNFINISHED BUSINESS

RESOLUTION

The Senate proceeded to consideration of the Unfinished Business for today, which was the Resolution:

S. R. 30. Setting Special Orders
which said Resolution is set out in the Journal of the Senate for the Ninth Legislative Day.

Mr. Cooper offered the following amendment to the Resolution, S. R. 30, to-wit:

AMENDMENT TO S. R. 30

Amend S. R. 30 by striking therefrom "H. B. 59 on Page 1 of Supplement" and then adding "H. B. 59" immediately after "H. B. 57 on page 2 of Supplement."

RESOLUTION

Messrs. Clark and Register offered the following Senate Joint Resolution, to-wit:

S. J. R. 31. MOURNING THE DEATH OF REPRESENTATIVE GEORGE ANDREWS

WHEREAS George Andrews held the position of Representative in the United States House of Representatives for the Third Congressional District of Alabama for a period of twenty-eight years; and

WHEREAS he performed invaluable service not only to the constituents in his own congressional district, but to all Alabamians and his considerable influence in Congress was invaluable in a number of critical situations; and

WHEREAS Representative Andrews was a native of Clayton and earned his undergraduate and LL.B. degree from the University of

Alabama. He was a member of Sigma Nu social fraternity, Phi Delta Phi legal fraternity, and Omicron Delta Kappa; and

WHEREAS he served as Circuit Solicitor for the Third Judicial Circuit of the State of Alabama from 1931 to 1943. He was elected to the 78th Congress in 1944 in absentia while serving as a Lieutenant (junior grade), with the United States Naval Reserve at Pearl Harbor and contributed immeasurably to the Committee on Expenditures in Executive Departments; Roads Committee and Committee on World War Veterans Legislation, through his devoted service and diligent effort he earned the position of the second ranking member of the House Appropriations Committee and served on the major appropriations committees of Defense, Public Works and Legislative, the latter of which he was chairman. He was recognized and honored many times some of which include, Who's Who in the South and Southwest, Who's Who in America and Who's Who in Alabama; and

WHEREAS Representative Andrews epitomized the image of public service and was an outstanding leader who was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his home town, country and state. He was instrumental in keeping Fort Rucker, the Army Aviation Center and aided Fort McClellan until it received permanent assignment as the center of the Women's Army Corps and the chemical warfare school. Representative Andrews contributed to the success of Alabama's waterways which resulted in the opening of a navigation system from the gulf up to Phenix City on the Chattahoochee River and he helped sustain the proposed Alabama-Cousa navigation system on an active basis through lean years, and seeing it through to completion as far up as to Montgomery. He also helped keep alive the now court delayed Tennessee-Tombigbee waterway project and he was instrumental in the establishment of the Columbia Lock and Dam on the Chattahoochee River below Columbia, Alabama in Houston County; and

WHEREAS Representative Andrews was recognized for his strong leadership in getting the University of Alabama Medical Center in line for one of the new regional cancer centers called for in President Nixon's intensified war on cancer. A key part will be the Lurleen Wallace Memorial Hospital, for which more than five million dollars in local contributions have been received; and

WHEREAS he believed in a strong defense posture and was instrumental in the selection of Admiral Thomas B. Moorer, a resident of Eufaula, to the position of Chairman of the Joint Chiefs of Staff; and

WHEREAS Representative Andrews was a genuine statesman whose life perpetuates the memory of those who are true to the instinct of their birth, faithful to the teachings of their fathers and constant in their love for their state and country; and

WHEREAS he was held in high esteem by his associates, loved by his friends and respected by all and reflected great honor not only to himself but to his home State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it mourns the death of this great statesman, the Honorable George Andrews of Union Springs, and offers its heartfelt sympathy to his family.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to members of his family.

On motion of Mr. Clark, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 81. To amend Section 2, subsection III. A. (23) (m) of Act No. 2, Second Special Session, 1971, which provides for appropriations from the State General Fund for the payment of subsidies for the Tuberculosis and Chronic Lung Disorders treatment.

Also:

H. 24. Authorizing any municipality of the State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census to declare noxious or dangerous weeds growing upon private property within such municipalities to be a public nuisance, and creating a lien upon the property where such nuisance exists for the cost of abating the same.

Also:

H. 26. To amend further Section 4 of Act No. 547, Regular Session, 1965, relating to the establishment of a civic center in the municipality wherein there is located the county seat of any county of the State having a population of more than 500,000, approved August 20, 1965.

JOHN W. PEMBERTON,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Smith (P) and McCluskey:

H. J. R. 77. CONGRATULATING RAYMOND STEELE FOR WINNING "PLAYER OF THE YEAR" FOR DEAF SCHOOLS OF AMERICA.

Also:

By Messrs. Smith (P) and McCluskey:

H. J. R. 78. CONGRATULATING THE ALABAMA STATE SCHOOL FOR THE DEAF.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

On motion of Mr. Weaver, the Rules were suspended and the Resolutions, H. J. R.'s 77 and 78, the titles of which are set out in the

foregoing Message from the House, were concurred in and adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 54. To amend Act No. 439, S. 731, Regular Session 1971, approved August 26, 1971, which act provides for the operating expenses of certain county officers, in counties having a population of not less than 39,500, nor more than 41,750, by providing said expenses for the circuit clerk in such counties, retroactive to October 1, 1971.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 35. To amend Section 1 of Act No. 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 so as to increase the membership of the County Pardon and Parole Board in all counties having a population of 600,000 or more according to the last or any subsequent decennial census.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 77. Congratulating Raymond Steele for winning "Player of the Year" for Deaf Schools of America.

Also:

H. J. R. 78. Congratulating the Alabama State School for the Deaf.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message From the Governor concerning Senate Bill Number 103 and ad valorem taxation.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

Done This 5th Day of January, 1972.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

As you reassemble in this Third Special Session, I urge you to immediately get down to the business at hand that necessitate this extra session. This Legislature is faced with one of the most important, crucial and pressing issues of this century—the matter of equalization of property taxes on our citizens.

You will know that a three-judge Federal Court in June, 1971, rendered a decision on the matter of ad valorem taxation in this State and you have known since that time that you must enact legislation in this field which meets constitutional standards. If you fail to act promptly on this important matter, Alabama is going to be met with yet another Federal Court decree that will be staggering, chaotic, oppressive and burdensome. I caution you not to be misled. This will come as surely as night follows day, the seasons follow seasons, and it will not be in the public good. It will be a sad day for all Alabamians if you abdicate your responsibility and allow the Federal Courts to pre-empt the field of State taxation.

The House has acted on the advalorem matter. They have the appreciation of our people. You have the House Bill before you and I ask that you either accept or reject it, or substitute and approve a bill of your own choosing.

I, again, call to your attention Senate Bill Number 103, which provides for an additional appropriation to the Department of Public Safety in the amount of \$1,000,000.00 for the employment of one hundred (100) additional State Troopers.

There is an urgent and compelling need for the enactment of

Senate Bill Number 103 without further delay. We are constantly having trouble in our public schools, and we need more State Troopers to back up County and Municipal officers.

It is common knowledge that when the State Troopers are not patrolling our public highways because of special and emergency assignments, these highways become open roads to drunken drivers and speedsters, free to kill and maim innocent citizens and motorists who are rightfully using our highways. During the Christmas holiday period of 1971, there were 384 accidents with 24 fatalities and 170 personal injuries on the public highways of this State. During the New Year holiday period, there were 261 accidents with 2 fatalities and 104 personal injuries. Some of these people might be alive today and some of these accidents might have been prevented if the additional troopers provided for in this bill had been patrolling our highways.

This Legislature has been in session for almost a year at a cost to the taxpayers that approaches three million dollars, and there is widespread discontent with legislative apathy to the needs of our people. Intelligent debate is commendable, but stalling tactics of a minority group serve only to slow and cripple the legislative process. The majority in this Body should move to cease and prevent further stalling tactics and vote on ad valorem taxation and the State Trooper Bill.

The failure of this Legislature to reapportion both house during the past regular session moved a three-judge Federal panel to adopt a plan drawn by a New York College professor which appears to mutilate the face of the map of the State of Alabama relative to legislative representation. This Federal Court decree reached the zenith in gerrymandering heretofore condemned as violative of constitutional standards. This decree cuts across county lines, obliterates voting precincts, lumps portions of as many as four counties into one single-member districts, and voids two sections of our State Constitution. The blame for this rests squarely upon the Legislature. Judicial protestations to the contrary notwithstanding this Legislature should come forward with its own bill for reapportionment and let the Court be petitioned to accept the Legislature's plan rather than the plan of the New York college professor. You should also enact a redistricting bill and provide for the election of one representative in the Congress of the United States from each District and thus avoid further Federal interference.

I call upon the Senate as a whole to act as the House has acted and sent to you legislation for your approval, alteration or disapproval without indulging in further filibustering tactics.

Again, I say to you, that it is time to act on the people's business and bring this legislative session to a close.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill

and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Bassett and Hardin:

H. 108. To provide that members of the Enforcement Division of the Public Service Commission designated in writing by the Public Service Commission shall have the powers of peace officers and deputy sheriffs in this State and may exercise such powers anywhere within the State.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 108. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McDonald and St. John:

H. 173. Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most recent Federal Decennial Census; to provide additional compensation for the court reporter of the county court in such counties.

Also:

By Messrs. Kinsey and Benton:

H. 185. Relating to counties having populations of not less than 57,000 nor more than 61,000; to authorize and require the county governing body in such counties to furnish automobile license tags for emergency vehicles owned by volunteer fire departments in unincorporated municipalities in such counties.

Also:

By Messrs. Cross and Carter:

H. 187. To regulate further the summoning of witnesses in Lawrence County; to provide that witnesses may be subpoenaed by United States mail in Lawrence County under certain conditions; and to prescribe a mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL ENTITLED

AN ACT

To regulate further the summoning of witnesses in Lawrence County; to provide that witnesses may be subpoenaed by United States mail in Lawrence County under certain conditions; and to prescribe a

mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. Subpoenas requiring the attendance of witnesses in any civil criminal, equity, or other case or proceeding in Lawrence County, or before the grand jury of Lawrence County may be served by the sheriff of Lawrence County or constable personally or by leaving a copy thereof at the place of residence of the witness or in the discretion of the said sheriff of Lawrence County the sheriff may serve the same by placing a copy thereof in the United States mail, enclosing the subpoena in an envelope properly stamped and addressed to the person or witness to be served. Upon service by the sheriff upon any witness or person by any one of the foregoing methods, the sheriff shall immediately mark the process executed. If the subpoena so mailed is not delivered to the addressee but is returned to the sheriff by the United States post office department, then the sheriff shall immediately make a diligent effort to serve the subpoena either personally or by leaving a copy thereof at the place of resident of the witness.

Section 2. Anything to the contrary notwithstanding in Section 1 above, any judge having jurisdiction of the proceeding or case may on motion of any party or on the Court's own motion order any particular subpoena or the subpoenas in any case or proceeding to be served personally or by leaving a copy thereof at the place of residence of the said witness or person or by United States registered or certified mail.

Section 3. Whenever a subpoena requiring the attendance of a person or witness in any case or proceeding in Lawrence County is required pursuant to this Act to be served personally on the witness or by leaving a copy thereof at the place of residence of the witness, any law to the contrary notwithstanding, the sheriff of Lawrence County shall be entitled to collect as costs of court ten cents per mile for each mile traveled in serving the same.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF LAWRENCE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Arthur F. Slaton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Moulton Advertiser, a newspaper of general circulation published in Lawrence County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Nov. 18, Nov. 25, Dec. 2, and Dec. 9, all in the year 1971.

ARTHUR F. SLATON,

Sworn to and subscribed before me 13th of Dec., 1971.

ELIZABETH D. CASPERS,

Notary Public.

Also:

By Mr. Stokes:

H. 186. To amend Sections 1, 5, 10 and 11 of Act No. 1803, H. 2057, 1971 Regular Session of the Alabama Legislature, approved September 17, 1971, entitled, "An Act Relating to the Court of General Sessions of Mobile County; further providing for its jurisdiction, salaries of judges, powers, duties, costs and rules of procedure; repealing Section 22 and amending Sections 3, 8, 10, 11, 20, 21 and 23 of Act No. 40, S. 4, Second Special Session of 1956 (Acts 1956, p. 328), as amended."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL

TO BE ENTITLED

AN ACT

To amend Sections 1, 5, 10 and 11 of Act No. 1803, H. 2057, 1971 Regular Session of the Alabama Legislature, approved September 17, 1971, entitled, "An Act Relating to the Court of General Sessions of Mobile County; further providing for its jurisdiction, salaries of judges, powers, duties, costs and rules of procedure; repealing Section 22 and amending Sections 3, 8, 10, 11, 20, 21 and 23 of Act No. 40, S. 4, Second Special Session of 1956 (Acts 1956, p. 328), as amended."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1803, H. 2057, 1971 Regular Session of the Alabama Legislature, approved September 17, 1971, is hereby amended to read as follows:

"Section 1. Section 3 of Act No. 40, S. 4, Second Special Session 1956 (Acts 1956, p. 328), as amended, is further amended to read as follows:

"Section 3. The judges of the Court of General Sessions shall hold office for terms of six years and until their successors are elected and qualified. They shall be elected at the general election to be held in November, 1960, and every six years thereafter, and shall be installed in office on the first Monday after the second Tuesday in January, next following their election. They shall qualify by taking the oath of office prescribed for other judicial officers by the Constitution of Alabama. Each judge shall receive as compensation for his services as judge of the Court of General Sessions of Mobile County, an annual salary of Twenty Thousand Dollars (\$20,000.00) which shall be paid in equal monthly installments out of the general fund of Mobile County, Alabama. No judge of said Court shall engage in the practice of law; provided, that this shall not apply to a special judge serving on a temporary basis. The Presiding Judge and the Associate Judge of the Court of General Sessions shall be ex-officio Presiding Judge and ex-officio Associate Judge, respectively, of the Inferior Civil Court of Mobile, and neither of said judges shall receive any additional compensation for said services except as provided by law."

Section 2. Section 5 of Act No. 1803, H. 2057, 1971 Regular Session of the Alabama Legislature, approved September 17, 1971, is hereby amended further to read as follows:

"Section 5. Section 20 of Act No. 40, S. 4, Second Special Session 1956 (Acts 1956, p. 328), as amended, is further amended to read as follows:

"Section 20. All civil cases shall be tried by the judge of the court without the intervention of a jury, the judge determining both the law and the facts. However, any party shall have the right to appeal to the circuit court within ten days from the rendition of judgment, and on appeal either party may demand a trial by jury under the same rules as are provided by law for demands for jury trials in cases of appeals from judgments of justices of the peace; and the trial in the circuit court shall be de novo and shall conform to the procedure now fixed by law in appeals from courts of justices of the peace. During the ten days next succeeding the granting and entry of any judgment in the exercise of the civil jurisdiction in the Court of General Sessions of Mobile County, the court may set aside, amend, vacate or modify such judgment for any reason for which a Circuit Court may set aside, amend, vacate or modify its judgments according to the Constitution and statutes of this state and the common law."

Section 3. Section 10 of Act No. 1803, H. 2057, 1971 Regular Session of the Alabama Legislature, approved September 17, 1971, is hereby amended further to read as follows:

"Section 10. Any judgment, decree or other action of the Court of General Sessions of Mobile County, Alabama occurring between the date November 1, 1971 and the time of the within Act becoming a law is hereby validated."

Section 4. Section 11 of Act No. 1803, H. 2057, 1971 Regular Session of the Alabama Legislature, approved September 17, 1971, is hereby amended further to read as follows:

"Section 11. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law, except for the following language included in Section 1 thereof:

"Each judge shall receive as compensation for his services as judge of the Court of General Sessions of Mobile County, an annual salary of Twenty Thousand Dollars (\$20,000.00), which shall be paid in equal monthly installments out of the General Fund of Mobile County, Alabama. No judge of said court shall engage in the practice of law; provided, that this shall not apply to a special judge serving on a temporary basis."

The above quoted excepted language shall take effect on the first Monday after the second Tuesday in January, 1973.

Judy Beasley being sworn, says that she is Bookkeeper of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Press, The Mobile Register Nov. 19, 26, Dec. 3, 10, 1971.

JUDY BEASLEY.

Sworn to and subscribed before me this 16th day of Dec. 1971.

E. E. KOCH,
Notary Public.

Also:

By Messrs. Ellis, Bowers, Jones (E), Boles, Boutwell, Falkenburg, Gafford, McBride and Gloor:

H. 189. To provide additional compensation for members of the Board of Registrars in all counties of this state having a population of 500,000 or more according to the most recent or any subsequent federal decennial census.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 173, 185, 187 and 186. To the Committee on Local Legislation No. 1.

H. B. 189. To the Committee on Local Legislation No. 2.

RECESS

At 5:45 P. M., on motion of Mr. Owen, the Senate took a recess until 6:30 P. M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

RESOLUTION

Mr. Foshee offered the following Senate Joint Resolution, to-wit:

By Mr. Foshee:

S. J. R. 33. Re-creating the Joint Interim Committee on Agriculture

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That there shall be a joint interim committee on agriculture to meet on call of its chairman during the interim between the date of passage of this resolution and the first legislative day of the 1975 regular legislative session, which shall make a study of the condition of agriculture in the state, hold hearings, inquire into ways and means of improving agriculture, agricultural marketing, and business and industry based on agriculture in the state, and report its findings, conclusions, and recommendations to the Governor and to each house of the Legislature at the 1975 regular sessions, and to any intervening regular or special session.

The committee shall consist of the members of the House Committee on Agriculture and the members of the Senate Committee on Agriculture. The chairman of the House Committee on Agriculture shall be chairman of the interim committee and the chairman of the Senate Committee on Agriculture shall be co-chairman of the interim committee. The chairman of the committee, with the approval of the co-chairman, shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee, and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work.

The total expenditures of the committee in any fiscal year shall not exceed ten thousand dollars, inclusive of per diem legislative pay.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. R. 30

The Senate proceeded to further consideration of the Resolution, S. R. 30. The question was on the amendment offered by Mr. Cooper.

ADJOURNMENT

At 6:35 P. M., on motion of Mr. Littleton, pending further consideration of the Resolution, S. R. 30, the Senate adjourned until Thursday, January 6, 1972, at 10 o'clock A. M.

ELEVENTH LEGISLATIVE DAY

THURSDAY, JANUARY 6, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend William C. Hughes, Assistant Minister, Trinity Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	Jones	Owen
Bailes	Fine	King	Pelham
Branyon	Foshee	Lindsey	Pierce
Carr	Gilmore	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cook	Hammond	McLain	Vacca
Cooper	Harris	Malone	Weaver
Dominick	Hawkins	Noonan	Wilder
Dozier	Horne	O'Bannon	Wilson

—35

JOURNAL

On motion of Mr. Clark, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate

for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,

Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Foshee:

S. 144. Relating to taxation: to regulate further the levy, assessment, collection, and the use of ad valorem taxes; to provide that no State ad valorem taxes shall be levied or collected, but in lieu thereof a per capita tax for the use of the State is levied and shall be collected and paid by the several counties to the State; to provide that this Act is cumulative and shall, insofar as practicable, be construed in pari materia with other laws relative to ad valorem taxation; nevertheless to repeal all laws or parts of laws in conflict herewith and specifically to repeal Code of Alabama 1940, Title 51, Sections 18 and 19.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Register:

S. 145. Relating to court houses, jails and public buildings in each county having a population of not less than 50,000 nor more than 60,000 according to the last or any subsequent federal decennial census; to authorize any such county to acquire off-street parking facilities in the vicinity of any such court house, jail or public building; to authorize any such county to sell and issue from time to time its interest-bearing warrants for the purpose of obtaining funds to finance the cost of acquiring and constructing court houses, jails and public buildings and extensions to or improvements of existing court houses, jails or public buildings, including off-street parking facilities; to provide that such warrants shall evidence the general obligation indebtedness of any such county; to provide that such warrants may, at the discretion of the governing body of any such county, be additionally secured by a pledge or pledges of the proceeds from any tax or taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds pledged to the payment thereof; to exempt such warrants from the provisions of Chapters 6 and 8 of Title 12 of the Code of Alabama of 1940, as amended; and to provide for the severability of the provisions of this Act.

Committee on Local Legislation No. 1.

By Mr. Hammond:

S. 146. To amend Act No. 1734, H. 2563, Regular Session 1971, approved September 17, 1971, which provides for juries composed of six members for trial of certain cases in the DeKalb County Court, so as to

provide further for the minimum number of jurors on the list from which the six-man jury is to be struck.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF DEKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Act No. 1734, H. 2563, Regular Session 1971, approved September 17, 1971, which provides for juries composed for six members for trial of certain cases in the DeKalb County Court, so as to provide further for the minimum number of jurors on the list from which the six-man jury is to be struck.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1734, H. 2563, Regular Session 1969, providing for juries composed of six members for trial of certain cases in DeKalb County is hereby amended to read as follows:

Section 1. The trial of all civil and criminal cases in the DeKalb County Court which according to law are triable by jury shall be tried by a jury composed of six members to be drawn, summoned, selected, and empaneled as provided in Code of Alabama 1940, Title 30, except that the list from which any six-man jury is to be struck may consist of a minimum of 12 jurors instead of the minimum number prescribed by law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA COUNTY OF DEKALB

Before me, the undersigned authority in and for said County in said State this day personally appeared Jerry E. Whittle, who being me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issue of said paper on December 14, December 21, December 28, 1971, and January 4, 1972, all in the years, 1971 and 1972.

JERRY E. WHITTLE.

Sworn to and subscribed before me on this 5th day of January, 1972.

MARY RUTH BROWN,
Notary Public.

By Mr. Hammond:

S. 147. To provide that the Judge of the Inferior Court of DeKalb County shall receive as a salary the sum of \$6,900.00 per year.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide that the Judge of the Inferior Court of DeKalb County shall receive as a salary the sum of \$6,900.00 per year.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of any Inferior Court created by local law in DeKalb County shall receive as a salary the sum of \$6,900.00 per year, payable in equal monthly installments, out of the County Treasury upon his warrant drawn upon the County Treasurer, or other proper custodian. This shall be in lieu of all of the compensation heretofore provided by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA

COUNTY OF DEKALB

Before me, the undersigned authority in and for said County in said State this day personally appeared Jerry E. Whittle, who being me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice have appeared in the issue of said paper on December 9, December 16, December 23, and December 30, all in the year, 1971.

JERRY E. WHITTLE.

Sworn to and subscribed before me on this 5th day of January, 1972.

MARY RUTH BROWN,

Notary Public.

By Mr. Owen:

S. 148. To provide for the appointment of volunteer forest fire wardens by the State Forester of the Alabama Forestry Commission;

to set forth the duties of such wardens and to provide for the issuance of equipment to them and the compensation to be received by such wardens.

Committee on Conservation.

By Mr. Owen:

S. 149. To amend Act No. 473, Section 11(a), 1969 Acts of Alabama, page 927, so as to exclude certain Forestry Commission vehicles from the provisions of Act No. 473.

Committee on Conservation.

By Mr. Owen:

S. 150. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Baldwin County to the list of counties to which the Act does not apply.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Shelby:

S. 151. To provide that in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census, it shall be unlawful for any person to file for record certain legal documents that do not have legibly printed, typewritten or stamped thereon the name and address of the person or persons who prepared such legal documents, and to provide that it shall be a misdemeanor for anyone to falsify said statement; and

To further provide that in all such counties, the judge of probate shall not be liable in damages or penalty for any error or mistake in the performance of the duties prescribed by this act if committed in good faith.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 152. To provide for the additional indexing of land transfer instruments in probate offices in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 153. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, to provide further for the compensation of members of boards of registrars in such counties.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 154. To repeal Act No. 290, H. 418, 1965 Regular Session, entitled, "An Act Relating to counties having populations of not less than 100,000 and not more than 115,000 according to the most recent federal decennial census; to provide for payment by the county of per diem allowances to members of boards of registrars in such counties."

Committee on Local Legislation No. 1.

By Mr. Malone:

S. 155. Relating to all counties having populations of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations.

Committee on Local Legislation No. 1.

By Mr. Givhan:

S. 156. To amend Act No. 1945, H. 584, of the Regular Session of 1971, which authorizes the County Commissions of the several counties to appoint a County Engineer or a Chief Engineer of the Division of Public Roads to provide for his compensation; to provide for the qualifications and duties; and to provide for State participation of the salary of said Engineer.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Owen:

S. 157. To amend Section 713, Title 7, Code of Alabama 1940 as last amended, to allow legal advertisement in any newspaper regardless of where such newspaper is printed; and requiring such newspapers to be published for at least fifty-one weeks a year.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Littleton:

S. 158. To amend the title and Section 1 of Act No. 520, H. 213, Regular Session 1971, approved August 31, 1971, which Act provides an additional expense allowance for the Probate Judge for counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census; so as to provide that such expense allowance shall be paid to the Chairman of the Board of County Commissioners instead of the Probate Judge.

Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 27. To amend Section 2, 3, 4, 5 and 6 of Act No. 2271 of the 1971 Regular Session of the Legislature of Alabama which Act relates to the powers of counties having populations of 600,000 or more according to the most recent federal decennial census; authorizing the governing bodies of such counties to adopt ordinances which protect the historic architectural character of the county, including designating historic districts, creating certain agencies to promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Dominick, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 27, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 27

Add at the end of Section 3 (A) of Section 1 of S. B. 27 the following:

"The chairman of the commission shall be a voting member only in case of a tie vote."

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	King	Pelham
Bailes	Gilmore	McLain	Pierce
Carr	Hammond	Malone	Register
Cook	Harris	Noonan	Shelby
Dominick	Hawkins	O'Bannon	Vacca
Edington	Horne	Owen	Wilson
Fine	Jones		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Lang, Easters, and Wise:

H. J. R. 75. SETTING UP A FIRE ANT STUDY COMMISSION.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 75, the title of which is set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. May:

H. J. R. 79. WHEREAS: Marie M. Pate has held the position of teacher, supervisor, counselor and dean of instruction all of her working life in Conecuh and Escambia Counties which is the attendance area of Jefferson Davis State Junior College.

WHEREAS: Marie M. Pate has probably touched the lives more effectively educationally, morally and spiritually than any other living person now in education in Conecuh and Escambia Counties.

WHEREAS: Marie M. Pate has been a pillar of strength, guidance

and direction for Jefferson Davis State Junior College in capacities of teacher, counselor, registrar and dean of instruction since before its first student was admitted.

WHEREAS: It is the unanimous conviction of the people in the Jefferson Davis State Junior College attendance area that the name Marie M. Pate adds prestige and dignity to Jefferson Davis State Junior College.

NOW, THEREFORE BE IT RESOLVED That the Humanities Building now on the campus of Jefferson Davis State Junior College be named the Marie M. Pate Hall and the administration of Jefferson Davis State Junior College is hereby directed to change the name plate accordingly.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Rules were suspended and the Resolution, H. J. R. 79, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1. To amend Act No. 74, Acts of Alabama, Special Session 1961, approved September 15, 1965, which provides for a Judicial Conference for the State of Alabama; to prescribe the membership thereof, their duties and terms of office.

Also:

H. 123. To authorize the district attorney having jurisdiction in any county in the State of Alabama with a population of not less than 42,000 nor more than 49,500 to appoint an investigator or investigators and to prescribe their duties.

Also:

H. 151. Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971.

Also:

H. 153. To allow prospective jurors to be excused without the presence of the defendant in the Thirty-second Judicial Circuit of Alabama.

Also:

H. 154. To provide for and regulate the selection and empaneling of alternate jurors for the trial of any case triable by jury in the circuit courts of the thirty-second judicial circuit.

Also:

H. 155. Relating to judicial procedure in the Thirty-second judicial

circuit; regulating and providing further for the separation of the jury by consent in capital or non-capital felony cases in such circuit.

Also:

H. 156. To abolish the drawing of special venires in capital cases in the Thirty-second Judicial Circuit of Alabama.

Also:

H. 158. Relating to counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the most recent federal decennial census; to authorize the county governing bodies of such counties to appropriate \$675.00 each for the relief of J. W. Messer, Sr., J. M. Noles, and Doug Allen.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Messrs. Register and Clark offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. REQUESTING THAT THE CORPS OF ARMY ENGINEERS NAME THE COLUMBIA LOCK AND DAM ON THE CHATTAHOOCHEE RIVER BELOW COLUMBIA, ALABAMA IN HOUSTON COUNTY FOR GEORGE ANDREWS

WHEREAS George Andrews served the Third Congressional District of Alabama in the United States House of Representatives for a period of twenty-eight years; and

WHEREAS he contributed immeasurably to the success of Alabama's waterways throughout his years in the United States House of Representatives. Through his efforts there has been the opening of a navigation system from the Gulf up to Phenix City on the Chattahoochee River and his efforts helped sustain the proposed Alabama-Coosa navigation system on an active basis through lean years; and

WHEREAS Representative Andrews' contributed to the creation of the Columbia Lock and Dam on the Chattahoochee River below Columbia, Alabama in Houston County; and

WHEREAS the Columbia Lock and Dam project is now completed and it is understood by the Legislature that these projects are usually named for some individual; and

WHEREAS this legislature feels that the naming of this Lock and Dam for Representative George Andrews would be a proper and fitting memorial for the services which this great statesman rendered for the waterways of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body goes on record as

requesting that this facility be named in honor of Representative George Andrews.

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to the Corps of Army Engineers and The Alabama Congressional Delegation.

On motion of Mr. Register, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 119. To provide for a State supplement to the Deputy District Attorney in the Thirty-first Judicial Circuit.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	Lindsey	Pelham	
Clark	Hammond	Littleton	Pierce	
Cook	Harris	Lybrand	Vacca	
Cooper	Hawkins	McLain	Weaver	
Dominick	Horne	Malone	Wilder	
Dozier	Jones	O'Bannon	Wilson	
Edington	King			—25

Nays:

—0

The Bill:

H. 130. Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Balles	Foshee	Littleton	Pierce	
Branyon	Gilmore	Lybrand	Register	
Carr	Hawkins	McLain	Shelby	
Clark	Horne	Malone	Weaver	
Cook	Jones	Owen	Wilson	
Edington	King			—25

Nays:

—0

MOTION TO RECONSIDER

Mr. O'Bannon moved that the Senate reconsider the vote by which the Bill, S. B. 119, was passed and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BILLS ON THIRD READING RESUMED

The Bill:

H. 160. To repeal Act No. 5, H. 84 of the Second Special Session of 1971, approved December 1, 1971, entitled "An Act, To provide that in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census, a person is found guilty or plead guilty, courts may, without entering judgment of guilty and with the consent of such person, defer proceedings and place on probation; that may discharge from probation before end of probation period; that at the end of probation period, shall discharge and dismiss such proceeding; that such discharge and dismissal makes it a non-public record; that discharge and dismissal may occur only once to such person; that if under 21 at the time of offense, such person may apply to expunge official records and restore to status occupied prior thereto; and that not guilty of perjury or false statement for failing to reveal such proceedings."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Owen	
Bailes	Dozier	King	Pelham	
Branyon	Fine	McLain	Pierce	
Carr	Foshee	Malone	Shelby	
Clark	Gilmore	Noonan	Wilder	
Cook	Givhan	O'Bannon	Wilson	
Cooper	Hammond			—25

Nays:

—0

The Bill:

H. 22. To amend Section 1 of Act No. 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 so as to increase the membership of the County Pardon and Parole Board in all counties having a population of 600,000 or more according to the last or any subsequent decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	O'Bannon	
Bailes	Foshee	Littleton	Owen	
Carr	Gilmore	Lybrand	Pelham	
Clark	Hammond	McLain	Pierce	
Cook	Harris	Malone	Register	
Dominick	Hawkins	Noonan	Vacca	
Edington	Jones			—25

Nays:

—0

The Bill:

H. 53. To authorize any county having a population of 600,000 or more according to the last or any succeeding federal decennial census to become a lessee under a lease or contract of lease respecting any building or buildings located or to be located in the county suitable as a community or meeting house, an auditorium, an arena, a convention hall, or a place of recreation, for a term not to exceed thirty years, from the State, any city located in the county, or certain public corporations, to provide the terms and conditions of any such lease or contract, to provide that any such county may be joint lessee with any other

municipality in such county and that the obligations of any such county may be individual and separate or joint and several, to provide that the obligation of any such county under any such lease or contract may be a general obligation secured by its full faith and credit and by such other pledge or assignment of its tax proceeds or revenues as may be agreed upon, or that such obligation may be a limited obligation, to provide for the inclusion of the obligations of any such county under any such lease or contract in the budget of such county and that any such county shall pay over rent and its other financial obligations due thereunder without further act by its governing body, to provide the circumstances under which any such contract or lease shall not be repealed, revoked, altered or amended, to provide for the severability of the provisions of this act, to provide that the approval of such lease or contract of lease by the governing body of any such county shall be sufficient and that no other approval, registration, audit or allowance shall be required, and to exempt any such contract or lease from all taxation, from the provisions of Chapter 6 of Title 12 of the Code of Alabama of 1940, as amended, and all other provisions of law with respect thereto.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham
Bailes	Fine	Littleton	Pierce
Carr	Gilmore	Lybrand	Register
Clark	Hammond	McLain	Vacca
Cook	Harris	Malone	Wilder
Dominick	Hawkins	Owen	Wilson
Dozier	Jones		

—25

Nays:

—0

The Bill:

H. 52. To authorize any city having a population of 300,000 or more according to the last or any succeeding federal decennial census to become a lessee under a lease or contract of lease respecting any building or buildings located or to be located in the city suitable as a community or meeting house, an auditorium, an arena, a convention hall, or a place of recreation, for a term not to exceed thirty years, from the State, the county in which any such city is located, or certain public corporations, to provide the terms and conditions of any such lease or contract, to provide that any such city may be joint lessee with such county or with any other municipality in such county and that the obligations of any such city may be individual and separate or joint and several, to provide that the obligations of any such city under any such lease or contract may be a general obligation secured by its full faith and credit and by such other pledge or assignment of its tax proceeds or revenues as may be agreed upon, or that such obligation may be a limited obligation, to provide for the inclusion of the obligations of any such city under any such lease or contract in the budget of such city and that any such city shall pay over rent and its other financial obligations due thereunder without further act by its governing body, to provide the circumstances under which any such contract or lease shall not be repealed, revoked, altered or amended, to provide for the severability of the provisions of this act, and to exempt any such contract or lease from all taxation and all other provisions of law with respect thereto.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	McLain	Pierce
Bailes	Hammond	Malone	Register
Cook	Hawkins	Noonan	Shelby
Dominick	Jones	O'Bannon	Vacca
Dozier	King	Owen	Wilder
Edington	Littleton	Pelham	Wilson
Fine	Lybrand		

—25

Nays:

—0

The Bill:

H. 122. To authorize the county governing body of any city in any county having a population of not less than 42,000 nor more than 49,500 to provide an expense allowance for the district attorney of the Judicial Circuit within such county; to repeal Act No. 51, H. 82, 1970 Special Session (Acts 1969-70, p. 2674) and other Acts which conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham
Bailes	Fine	Lindsey	Pierce
Branyon	Foshee	Littleton	Register
Clark	Gilmore	Lybrand	Shelby
Cooper	Givhan	McLain	Vacca
Dominick	Hammond	Owen	Weaver
Dozier	Harris		

—25

Nays:

—0

The Bill:

H. 140. To amend Act No. 1695, H. 2263, approved September 17, 1971, which relates to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants, according to the most recent federal decennial census, and creates a civil service board in said counties to assure the more efficient operation of the sheriff's department; amending such bill in relation to the work load of uniformed deputy sheriffs.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham
Bailes	Foshee	Littleton	Shelby
Branyon	Harris	Lybrand	Vacca
Carr	Hawkins	McLain	Weaver
Clark	Horne	Malone	Wilder
Dozier	Jones	O'Bannon	Wilson
Edington	King		

—25

Nays:

—0

The Bill:

H. 181. To provide for the compensation of all court bailiffs, mem-

bers of the jury commission, members of the board of registrars and members of the tax equalization board of all counties having a population of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census, and repealing Act No. 913, H. 1703, 1971 Regular Session, approved September 7, 1971, and other laws conflicting herewith.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Clark	Hammond	Littleton	Pierce	
Cook	Harris	Lybrand	Register	
Cooper	Hawkins	McLain	Shelby	
Dominick	Horne	Malone	Vacca	
Dozier	Jones	O'Bannon	Wilson	
Edington	King			—25

Nays: —0

The Bill:

H. 183. To amend Act No. 1878, H. 2122, Regular Session 1971, which provides for the establishment and operation of family court divisions in circuit courts of all counties having populations of not less than 175,000 nor more than 300,000, and providing for the selection and compensation of their officers, and administrative personnel, so as to provide further for the selection of the judge of said division and the compensation of his bailiff.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Bailes	Foshee	Lindsey	Pelham	
Branyon	Gilmore	Littleton	Pierce	
Carr	Givhan	McLain	Weaver	
Clark	Hammond	Noonan	Wilder	
Cook	Harris	O'Bannon	Wilson	
Cooper	Jones			—25

Nays: —0

The Bill:

H. 148. To amend further the title and Section 1 of Act No. 251, H. 701, Regular Session 1969 (Acts 1969, p. 583), as amended, which abolishes the public highway and traffic funds in the county treasuries and provides for the transfer of such monies to the general fund and for the deposit of certain other monies in such general fund, in certain counties classified on a population basis; by revising the mode of disbursement of said funds, and making such revision retroactive.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Branyon	Cooper	Dozier
Bailes	Clark	Dominick	Edington

Givhan	Jones	O'Bannon	Vacca	
Hammond	Lybrand	Owen	Weaver	
Harris	McLain	Register	Wilder	
Hawkins	Malone	Shelby	Wilson	
Horne	Noonan			—25
<i>Nays:</i>				—0

The Bill:

H. 171. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Fourteenth Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Owen	
Bailes	Dozier	King	Pelham	
Branyon	Fine	Lindsey	Pierce	
Carr	Foshee	Malone	Register	
Clark	Gilmore	Noonan	Shelby	
Cook	Givhan	O'Bannon	Wilson	—25
Cooper	Hammond			—0
<i>Nays:</i>				

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Noonan, further consideration of the Bill, S. B. 114, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 145. Relating to all counties having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census; to establish a procedure for the implementation and control of all future annual salary increases or decreases for the License Commissioner in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Register	
Carr	Gilmore	Lybrand	Shelby	
Clark	Hawkins	McLain	Vacca	
Cook	Horne	Noonan	Weaver	
Cooper	Jones	Owen	Wilder	
Edington	King	Pelham	Wilson	—25
Fine	Lindsey			—0
<i>Nays:</i>				

The Bill:

H. 159. To propose an amendment to the Constitution of Alabama to authorize the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of con-

trolling mosquitoes, rodents and other vectors of public health and welfare significance.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Noonan
Bailes	Edington	King	Owen
Branyon	Fine	Lindsey	Pelham
Carr	Foshee	Littleton	Register
Clark	Gilmore	Lybrand	Shelby
Cook	Givhan	McLain	Vacca
Cooper	Hammond		

—25

Nays:

—0

RECESS

At 10:45 A. M., on motion of Mr. Wilder, the Senate took a recess until 2 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

BILLS ON THIRD READING RESUMED

The Bill:

S. 126. Providing further for the operation and functioning of the Court of Common Pleas of Lee County; authorizing and providing for an additional expense allowance for the judge of such court; authorizing and regulating the employment of certain officers, clerks and other assistants and employees for the court; and providing for the payment of their salaries and certain expenses out of the county treasury.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pierce
Bailes	Foshee	Littleton	Register
Carr	Gilmore	Lybrand	Shelby
Clark	Harris	O'Bannon	Vacca
Cook	Hawkins	Owen	Wilder
Dominick	Horne	Pelham	Wilson
Edington	Jones		

—25

Nays:

—0

The Bill:

H. 152. To Amend Section 35 of Act No. 30, approved May 31, 1963, Relating to The Official Court Reporter For The County Court of Marshall County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lybrand	Register
Bailes	Givhan	McLain	Shelby
Carr	Hammond	Malone	Vacca
Cook	Harris	Noonan	Weaver
Cooper	Hawkins	O'Bannon	Wilder
Dominick	Horne	Owen	Wilson
Dozier	Jones		

—25

Nays:

—0

The Bill:

H. 169. To amend Sections 7 and 14 of Act No. 1981, H. 732, 1971 Regular Session, effective September 30, 1971, entitled:

"To establish the Alabama Peace Officers Standards and Training Commission; to prescribe its functions, duties and powers relating to the selection, recruitment and training of law enforcement officers and the work of law enforcement agencies in the State; to prescribe minimum standards for law enforcement officers; to grant to the Commission power to establish standards and issue and promulgate rules and regulations; to make the violation of certain provisions of this Act or the standards, rules and regulations of the Commission a misdemeanor; to establish the Alabama Peace Officers Standards and Training Commission Fund to make biennial appropriations from such Fund to the Commission for the fiscal years 1971-72 and 1972-73; to authorize participation in the program of the Commission by State, county and municipal law enforcement agencies."

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham
Bailes	Foshee	Lybrand	Pierce
Branyon	Hammond	McLain	Register
Carr	Horne	Malone	Shelby
Cook	Jones	Noonan	Vacca
Cooper	King	O'Bannon	Weaver
Dominick	Lindsey	Owen	Wilder
Dozier			

—28

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 27. To amend Section 2, 3, 4, 5 and 6 of Act No. 2271 of the 1971 Regular Session of the Legislature of Alabama which Act relates to the powers of counties having populations of 600,000 or more according to the most recent federal decennial census; authorizing the governing bodies of such counties to adopt ordinances which protect the historic architectural character of the county, including designat-

ing historic districts, creating certain agencies to promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

Also:

S. 35. To amend Section 1 of Act No. 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 so as to increase the membership of the County Pardon and Parole Board in all counties having a population of 600,000 or more according to the last or any subsequent decennial census.

JAMES S. CLARK,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 125. To amend Act No. 407, H. 198 of the Regular Session of 1971, which establishes general qualifications for licensees as insurance agents, brokers and solicitors, so as to provide that the residence and domiciliary requirement may be waived if the applicant for a license is a bona fide resident of and maintains an established office in a populous community lying partly in Alabama and partly in an adjoining state, which is composed of two or more contiguous cities, towns, or villages not completely separated by a natural boundary.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pierce
Bailes	Fine	Littleton	Register
Branyon	Foshee	Lybrand	Shelby
Cook	Hammond	O'Bannon	Vacca
Cooper	Horne	Owen	Weaver
Dominick	Jones	Pelham	Wilder
Dozier	King		

—25

Nays:

—0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Lybrand, further consideration of the Bill, S. B. 106, was indefinitely postponed by the Senate.

RESOLUTION

Mr. Hammond offered the following Senate Joint Resolution, to-wit:

S. J. R. 35. NAMING THE COUNTY HIGHWAY 63 IN MAR-

SHALL COUNTY THAT RUNS FROM U. S. 431 THROUGH GRANT, ALABAMA TO U. S. 72 THE "CATHEDRAL CAVERNS HIGHWAY".

WHEREAS the Cathedral Caverns located in Grant, Alabama has rapidly become one of the South's most outstanding attractions. Cathedral Caverns features the seven greatest cavern discoveries in the world; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that portion of Marshall County Highway 63 which lies in Jackson County and runs from U. S. 431 in Marshall County through Grant, Alabama to U. S. highway 72 at Woodville, Alabama be named "Cathedral Caverns Highway" and the State Highway Department shall cause appropriate signs and markers to be erected along said highway so designating it.

On motion of Mr. Hammond, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

RESOLUTION

The Senate proceeded to consideration of the Unfinished Business for today, which was the Resolution:

S. R. 30. Setting Special Orders

The question was on the amendment offered by Mr. Cooper, which said amendment is set out in the Journal of the Senate for the Tenth Legislative Day.

REPORTS OF COMMITTEES

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edington (with notice and proof):

S. 127. Further regulating creditable service toward retirement under the State Employees' Retirement System; authorizing, requiring and providing for the granting of creditable service to certain present employees of the City of Mobile for services rendered by such employees prior to the time they became members of the State Employees' Retirement System.

By Mr. Harris:

S. 132. To amend Act No. 403, H. 330, Regular Session 1971, approved August 19, 1971, amending Section 18 of said Act in relation to the counties in which the Act shall not apply.

By Mr. McLain:

S. 133. Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for

the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; repealing all laws or parts of laws inconsistent with the provisions hereof.

By Mr. Givhan (with notice and proof):

S. 134. To provide further for the compensation of the members of the board of education of Perry County.

By Messrs. Jones and Pierce (with notice and proof):

S. 136. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 2 and 11, Township 16N, Range 18E, Montgomery County, Alabama.

By Mr. Owen:

S. 138. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent or any subsequent federal decennial census; further providing for the procedure for redeeming lands sold for taxes in such counties; transferring certain duties of the probate judge to the tax collector; relieving the probate judge of such duties; providing additional compensation for the tax collector for performing such extra, new and additional duties; and repealing conflicting acts.

By Mr. Reed (T):

H. 112. To provide that there shall be three deputy sheriffs in counties having a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census.

By Messrs. McDonald and St. John:

H. 173. Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most recent Federal Decennial Census; to provide additional compensation for the court reporter of the county court in such counties.

By Messrs. Kinsey and Benton:

H. 185. Relating to counties having populations of not less than 57,000 nor more than 61,000; to authorize and require the county governing body in such counties to furnish automobile license tags for emergency vehicles owned by volunteer fire departments in unincorporated municipalities in such counties.

By Mr. Stokes (with notice and proof):

H. 186. To amend Sections 1, 5, 10 and 11 of Act No. 1803, H. 2057, 1971, Regular Session of the Alabama Legislature, approved September 17, 1971, entitled, "An Act Relating to the Court of General Sessions of Mobile County; further providing for its jurisdiction, salaries of judges, powers, duties, costs and rules of procedure; repealing Section 22 and amending Sections 3, 8, 10, 11, 20, 21 and 23 of Act No. 40, S. 4, Second Special Session of 1956 (Acts 1956, p. 328), as amended."

By Messrs. Cross and Carter (with notice and proof):

H. 187. To regulate further the summoning of witnesses in Lawrence County; to provide that witnesses may be subpoenaed by United States mail in Lawrence County under certain conditions; and to prescribe a mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

Mr. Pelham, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hale, et al (with substitute):

H. 172. To provide that any person who is qualified to vote an absentee ballot at any election held in this State because of attendance at an institution of higher learning outside of the county of his residence, or the spouse or child of such person, shall automatically be mailed an absentee ballot before each election.

FURTHER CONSIDERATION OF S. R. 30

The Senate proceeded to further consideration of the Resolution, S. R. 30. The question was on the amendment offered by Mr. Cooper.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message From the Governor.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 6TH DAY OF JANUARY, 1972.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

The longer you stay in session without getting down to the business at hand you are costing the taxpayers of this State millions of dollars. This unnecessary expenditure of tax dollars further depletes the General Fund, robs the old age pensioners of any increase in benefits, denies increased funds to the blind and the physically handicapped, and prevents the employees of our mental institutions from receiving a living wage in this time of spiraling inflation.

The theatrics and clowning of the minority group in this Body is an invitation to the Federal Courts to again interfere in the internal affairs of a sovereign State. You, in effect, are sending this invitation and asking for an R. S. V. P. You are sure to get an answer and soon. I predict that answer will be in the same category as the Federal Decree of January 3rd—shocking, choking, strangling, galling, and unwanted by a single citizen of this State. There is a ground swell and growing resentment throughout the State about the delaying tactics of this minority group. Their cry is: "How much is enough? How much longer must we endure the squandering of tax dollars?"

I, again, urge you to bring the important pending matters to a vote and let's get on with the business of moving this State forward.

Respectfully,

GEORGE C. WALLACE,

Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

FURTHER CONSIDERATION OF S. R. 30

The Senate proceeded to further consideration of the Resolution, S. R. 30.

Mr. Lybrand offered the following amendment to the Cooper amendment to the Resolution, S. R. 30, to-wit:

AMENDMENT TO COOPER AMENDMENT TO S. R. 30

RESOLVED BY THE SENATE That the following bills be made special, paramount and continuing order of business for the Senate until disposed of, taking priority over all other bills on the calendar immediately upon adoption of the Resolution, and continuing on subsequent days on reaching Bills on Third Reading on the Regular Order of Business:

H. B. 56 on Page 10 of Calendar No. 7.

H. B. 57 on Page 11 of Calendar No. 7.

H. B. 59 on Page 11 of Calendar No. 7.

H. B. 94 on Page 13 of Calendar No. 7.

H. B. 116 on Page 5 of Calendar No. 7.

Which was adopted.

RESOLUTION

Mr. Wilder offered the following Senate Resolution, to-wit:

S. R. 36. BE IT RESOLVED BY THE SENATE OF ALABAMA that the Presiding Officer of the Senate is hereby requested to hold House Bill 56, House Bill 57 and House Bill 59 until such time all three bills have passed the Senate.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. R. 30

The Senate proceeded to further consideration of the Resolution, S. R. 30.

Mr. Bailes offered the following amendment to the Cooper amendment, as amended, for the Resolution, S. R. 30, to-wit:

AMEND COOPER AMENDMENT, AS AMENDED, TO S. R. 30

Amend Cooper Amendment, as amended, to S. R. 30 as follows:

Strike out H. B. 56 on Page 10 of Calendar No. 7.

H. B. 57 on Page 11 of Calendar No. 7.

H. B. 59 on Page 11 of Calendar No. 7.

and Insert in lieu thereof:

H. B. 59 on Page 10 of Calendar No. 7.

H. B. 56 on Page 11 of Calendar No. 7.

H. B. 57 on Page 11 of Calendar No. 7.

RESOLUTION

Mr. Wilder offered the following Senate Resolution, to-wit:

S. R. 37. BE IT RESOLVED BY THE SENATE OF ALABAMA that the Presiding Officer of the Senate and the Secretary of the Senate are hereby directed to hold House Bill 56, House Bill 57 and House Bill 59 until such time all three bills have passed the Senate.

On motion of Mr. Wilder, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF S. R. 30

The Senate proceeded to further consideration of the Resolution, S. R. 30. The question was on the Bailes amendment to the Cooper amendment, as amended, for the Resolution, S. R. 30, and said amendment was then adopted.

And the Cooper amendment, as thus amended, to the Resolution, S. R. 30, was then adopted.

And said Resolution, S. R. 30, as thus amended, was then adopted by the Senate.

ADJOURNMENT

At 7:22 P. M., on motion of Mr. Bailes, the Senate adjourned until Friday, January 7, 1972, at 9 o'clock A. M.

TWELFTH LEGISLATIVE DAY

FRIDAY, JANUARY 7, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles H. Douglass, Rector, St. John's Episcopal Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:
Bailes
Branyon

Carr
Clark
Cook

Cooper
Dominick
Dozier

Edington
Fine
Foshee

Gilmore	Jones	Malone	Shelby
Givhan	King	Noonan	Vacca
Hammond	Lindsey	O'Bannon	Weaver
Harris	Littleton	Owen	Wilder
Hawkins	Lybrand	Pierce	Wilson
Horne	McLain	Register	

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JOURNAL

On motion of Mr. Clark, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has careully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Clark, leave of absence was granted Mr. Pelham for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Turnham:

H. J. R. 54. COMMENDING DAVID BEVERLY FOR MAKING THE ALL SOUTHEASTERN CONFERENCE TEAM.

Also:

By Mr. Turnham:

H. J. R. 55. COMMENDING TERRY BEASLEY FOR HIS GREAT FOOTBALL CAREER AT AUBURN UNIVERSITY.

Also:

By Messrs. Grainger, Lutz, King and Hearn:

H. J. R. 59. MOURNING THE DEATH OF ROBERT LOWRY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 54, 55 and 59, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again severally read and, on motion of Mr. Horne, the Rules were suspended and the Resolutions were adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Burgess, Brassell, Turnham, Stubbs, Ellis, Culver, Parker (T), Turner, Owens, Cottingham and Drake:

H. J. R. 69. URGING THE BANDS OF BOTH ALABAMA AND AUBURN TO PLAY DIXIE AT THEIR RESPECTIVE BOWL GAMES AND REQUESTING AUTHORITIES OF EACH BOWL TO HAVE AN INVOCATION GIVEN.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 69, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Horne, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Waggoner:

H. J. R. 66. MOURNING THE DEATH OF R. D. JORDAN.

Also:

By Messrs. Mims and Warren:

H. J. R. 64. CONGRATULATING MONROE ACADEMY FOR WINNING THE ALABAMA ASSOCIATION OF PRIVATE SCHOOL FOOTBALL CHAMPIONSHIP.

Also:

By Messrs. Warren, Mims and May:

H. J. R. 70. MOURNING THE DEATH OF THOMAS LANE BUTTS, SR.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 66, 64 and 70, the titles of which are set out in the foregoing Message from the House, having been received and

read by title on the previous Legislative Day, were again severally read and, on motion of Mr. Horne, the Rules were suspended and the Resolutions were adopted by the Senate.

ADOPTION OF RESOLUTION

The following Resolution:

By Mr. Carr:

S. J. R. 32. NAMING THE COUNTY HIGHWAY 63 IN MARSHALL COUNTY THAT RUNS FROM U. S. 431 THROUGH GRANT, ALABAMA TO U. S. 72 THE "CATHEDRAL CAVERNS HIGHWAY".

WHEREAS the Cathedral Caverns located in Grant, Alabama has rapidly become one of the South's most outstanding attractions. Cathedral Caverns features the seven greatest cavern discoveries in the world; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That county highway 63 in Marshall County that runs from U. S. 431 through Grant, Alabama to U. S. highway 72 be named "Cathedral Caverns Highway" and the State Highway Department shall cause appropriate signs and markers to be erected along said highway so designating it.

having been read by title and filed with the Secretary on the previous Legislative Day, was again read and, on motion of Mr. Horne, the Rules were suspended and the Resolution was adopted by the Senate.

NOTICE IN WRITING

Mr. Owens offered the following Notice in Writing, to-wit:

"NOTICE IN WRITING

"Notice is hereby given that on the next Legislative day a motion will be made to amend Joint Rule 12 of the two Houses of the Legislature of Alabama by adding the following sentence:

"'Provided, however, that this rule shall not apply to local bills or to general bills of local application on a population basis.'"

Which was read and ordered spread upon the Journal.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

H. 59. A bill to provide the manner and method by which State-wide Property Reappraisal shall be carried out and to spell out the responsibilities of all parties concerned and to provide for the enforcement of such a program by the Department of Revenue of the State of Alabama.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 59, to-wit:

SUBSTITUTE FOR H. B. 59

A BILL
TO BE ENTITLED
AN ACT

To provide the manner and method by which Statewide Property Reappraisal shall be carried out and to spell out the responsibilities of all parties concerned and to provide for the enforcement of such a program by the Department of Revenue of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the duties already imposed upon the Department of Revenue of the State of Alabama, it shall be empowered, with the authorization of the Governor, to employ any appraisal firm headed by and under the direction of a duly accredited member or members of the American Institute of Appraisers as consultants to inspect the various systems of assessing in each county and to advise the Department of Revenue of any changes in procedure needed in each of the several counties of the State so as to expedite the state-wide reappraisal as required by law and the existing decree of the United States Supreme Court. Provided that the fee or charge for such inspection, advice and consultation shall not exceed \$100,000 for all of the several counties.

Section 2. The Department of Revenue shall consult and advise the County Governing Bodies and Tax Assessors as to its findings in each county and shall direct them to conformity in the most expeditious manner.

Section 3. Upon failure of any Tax Assessor to comply with the directions of the Department of Revenue to conduct reappraisal, the Department shall determine whether or not such failure is deliberate or due to some inability or lack of ability on the part of the official or officials concerned.

1. If it is found to be deliberate, then the Department of Revenue shall ask the State Attorney General to take whatever action is necessary to secure compliance with its directives in regards to reappraisal.

2. Should the Department of Revenue find that the reason for non-compliance with its directives and advice are due to inability or lack of ability to comply, then it shall so advise the County Governing Body of the county concerned as to its findings.

3. Upon receiving such advice of inability or lack of ability on the part of the Tax Assessor to reappraise properties within the county in conformity with the overall program of the statewide equalization, the County Governing Body shall proceed to hire the necessary qualified appraisers and/or let any contract necessary to assist the Tax Assessor in his reappraisal of properties in accordance with the directives of the Department of Revenue and the laws of the state.

4. Should the County Governing Body fail or refuse to comply with the above requirements, the Department of Revenue is hereby authorized to employ the above-stated qualified personnel and/or let any contract necessary to accomplish the requirements of its directives and legal requirements as to property reappraisal. The costs involved shall be charged to the county and withheld from any monies which are due the county concerned or which may become due until necessary expenses incurred by the Department of Revenue shall have been repaid.

Section 4. However the requirements of state-wide reappraisal

are accomplished, whether by the Tax Assessor, by action of the County Governing Body, or the Department of Revenue, each and every County Governing Body is hereby authorized to prorate the costs on a millage basis and collect it from each and every agency receiving monies from ad valorem tax including the State of Alabama.

Section 5. The County Governing Bodies of the several counties are hereby authorized to issue any revenue bonds or warrants as it sees fit, in accordance with existing statutes and laws of the State of Alabama, that may be necessary to accomplish the above-stated purpose.

Section 6. All laws or parts of laws in conflict herewith are hereby repealed.

Section 7. This law shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

On motion of Mr. Noonan, said substitute was laid on the table.

Mr. Noonan offered the following substitute for the Bill, H. B. 59, to-wit:

SUBSTITUTE FOR H. B. 59

This bill provides that the Department of Revenue may retain consultants to advise them on procedural changes, as to property reappraisal, needed in each county in the state; may advise the counties of these needed changes; and may require of the counties that they make the changes in order to carry out the statewide property reappraisal program. It further provides that the Department of Revenue may employ the personnel required to implement these changes if the counties do not comply. The cost of reappraisal shall be prorated. The County Governing Boards are authorized to issue revenue bonds and warrants as required to implement the program of reappraisal.

A BILL TO BE ENTITLED AN ACT

To provide the manner and method by which Statewide Property Reappraisal shall be carried out and to spell out the responsibilities of all parties concerned and to provide for the enforcement of such a program by the Department of Revenue of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the function, duty and responsibility of the Department of Revenue to periodically inspect and supervise the implementation and program of reappraisal of all property in the State of Alabama and to regulate, according to a definite schedule, the individual county-by-county reappraisal of such property.

Section 2. The Department of Revenue shall prescribe procedures and shall set standards for the work to be done under this program. Any contract for services required by a county pursuant to the appraisal of property under this Act shall be approved by the Department of Revenue and the work required to be performed shall not be considered finished until the standards of work applied and performed have been inspected and approved by the Department of Revenue.

Section 3. Each county governing body of this state through its respective tax assessor shall have the property of such county appraised at its fair and reasonable market value which fair and reasonable market value shall be the basis of assessments for ad valorem taxes.

Section 4. The appraisal of property shall be commenced and completed for each county at the earliest dates consistent with good business and sound appraisal practices, but in any event completed not later than two years from the passage of this Act and approval by the Governor or its otherwise becoming a law.

Section 5. The Department of Revenue shall prescribe for the counties the procedures to be followed, standards to be met, forms to be used, records to be kept and progress reports to be filed. The Department of Revenue shall also design a permanent uniform record system which shall be used by all counties for maintaining records of property ownership and property values.

Section 6. The Department of Revenue may, with the approval of the Governor, employ any appraisal firms employing a duly accredited member or members of the American Institute of Real Estate Appraisers as consultants to inspect the various systems of assessing in each county and to advise the Department of Revenue of the best procedures to be followed in the several counties so as to expedite the statewide reappraisal as required by law.

Section 7. The Department of Revenue shall consult and advise with the county governing bodies and tax assessors as to its findings in each county and, after consultation determine the chosen system of appraisal to be put into effect without delay in order that the assessments for ad valorem taxes in each such county may be equalized at the earliest possible date. Furthermore, a general schedule for completion of the various stages of appraisal for each county shall be agreed upon by the Department of Revenue and respective tax assessor and county governing body within the limits prescribed by this Act and shall be forthwith certified by the Department of Revenue.

Section 8. (I) Should any county fail or refuse for any reason to comply with the provisions of this act, the department of revenue is hereby authorized to employ qualified appraisers and/or let any contract necessary to accomplish the requirements of its directives and legal requirements as to property reappraisal.

(II) When it becomes necessary for the Department of Revenue to reappraise any county for the purpose of ad valorem taxation equalization, the Department of Revenue shall hire the necessary personnel from an employment register furnished them by the State Personnel Department. When any of the several counties elects to reappraise their particular county under the requirements and criteria set up by the Department of Revenue for such reappraisal program, the employees of the several counties shall meet the same requirements as set forth by the Department of Revenue for the State without becoming employees of the State Merit System. Approved Appraisers must be certificate holders or members of a recognized Appraisal Association or have at least five (5) years appraisal experience certified to by recognized lending associations, such as, banks, or companies who are approved by the Veterans Administration or the U .S. Department of Housing and Urban Development or Federal Reserve Board.

Section 9. The cost of any program for the equalization of ad valorem taxes shall be pro-rated by each county governing body to each agency therein on the basis of the proportion of the monies received by each agency in the county to the total amount received by all agencies of such county.

Section 10. The county governing bodies of the several counties are hereby authorized to issue any revenue bonds or warrants deemed essential in accordance with existing statutes and laws of the State of

Alabama, to meet their financial obligations under a property reappraisal program, provided, however, any revenue bonds or warrants issued for a property reappraisal program other than that required by this Act shall be approved by the legislature. The heretofore stated provision for financing is hereby authorized to be applied by the State to cover the expenses necessarily incurred to finance the reappraisal of property in any and all counties, whenever it shall become necessary for the Department of Revenue to conduct the property reappraisal program in such county. The proceeds from such bonds or warrants issued by the state or county shall be repaid on the same proration basis as set out previously in Section 9.

Section 11. There is hereby appropriated to the Department of Revenue the sum of \$250,000 per annum to be used by said department to pay the expense of its compliance with the provisions of this act and to establish a fund which shall be used by the said department to maintain a program for the equalization of ad valorem tax assessments in this state. Whenever the amount in this fund exceeds the sum of \$2,500,000, such excess shall revert to the general fund of the state. This appropriation shall commence upon the adoption of this Act. This appropriation shall be over and above any expense incurred by the Department of Revenue in the event it becomes necessary for the Department of Revenue to reappraise any particular county or contract for the reappraisal of any county. Furthermore, the aforementioned appropriation of \$250,000 per annum shall be credited against the state's portion of that expense for carrying out the reappraisal program in each of the several counties of the State. Should it become necessary for the Department of Revenue to reappraise and equalize, or make any contract for the reappraisal and property equalization of any county, the State is hereby authorized to charge the respective county governing body with only that part of the expense which would be the prorata share normally charged to each local governmental agency of the county; and the State shall contribute its pro-rata share, and the same shall be credited against the total expenditure involved for each such county.

Section 12. Where the property of a county has been appraised at its fair and reasonable market value as required by this act to the reasonable satisfaction of the Department of Revenue, this fact shall be certified to the county board of equalization and to the tax assessor of such county and such values shall be the basis for the equalization of the assessments for ad valorem taxes in such county for the next tax year. The fair and reasonable market values certified shall be prima-facia correct for assessments for such tax year but shall be subject to review by the county board of equalizations which after a hearing of the complaint of a property owner shall fix the fair and reasonable market value at the amount it deems to be proper. The county board of equalization shall not hold a hearing as provided herein without giving due notice of such hearing to the county governing body and the Department of Revenue one or both of which shall be represented at such hearing. Either the property owner or the state may appeal from the finding of the county board of equalization. Such appeal shall be to the circuit court of the county where the property is located. The hearing granted by the county board of equalization shall be in accordance with the procedure set out in Section 103, Title 51, Code of Alabama 1940, provided, however, the board may begin the hearing of protests as soon as property owners have been notified of the fair and reasonable market value attributed to their property and shall continue sitting for the purpose of such hearings until all who protest have been heard. Where the members of the county board of equalization are paid on a per-diem basis, compensations for any days the members are required to perform duties under this act which are in addition to the days for which they will be paid under normal appropria-

tions and allocations shall be paid by the county governing body from the funds provided by this act.

Section 13. Any public official having responsibility in the State-wide Equalization Program who deliberately commits any act or deed to avoid or in any way frustrate the provisions or intent of the law shall be charged with a misdemeanor and shall if convicted be subject to a fine of not more than \$500.00 (Five Hundred Dollars) for each such offense."

Section 14. The statewide property reappraisal program shall be administered by the Commissioner of Revenue, State of Alabama, and supervised by the chief of the Ad Valorem Tax Division.

Section 15. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. All laws or parts of laws in conflict herewith are hereby repealed.

Section 17. This law shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Mr. Noonan then offered the following amendment to the substitute for the Bill, H. B. 59, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 59

Amend the Noonan substitute for H. B. 59 as follows:

Delete Sections 13 through 17 and insert after Section 12 thereof the following:

Section 13. There is hereby appropriated to the Department of Revenue to be used in the program of ad valorem tax equalization provided for in this act, and shall be paid over to the Department of Revenue for this purpose, any other law to the contrary notwithstanding, for the fiscal year ending September 30, 1972, one million dollars, for the year ending September 30, 1973, three million dollars which amounts shall be the first claim against the funds from which appropriated. The funds here appropriated shall be drawn one-third from any Alabama Beverage Control Board income otherwise required by law to be distributed to the several counties and two thirds from the tax levied by Section 182, Title 51, Code of Alabama, 1940, as amended. This act shall in no way change the distribution of the remainder of the funds from which these appropriations are made.

The funds hereby appropriated shall be used by the Department of Revenue to finance the reappraisal program required by this Act in any county which for any reason can not issue the bonds or warrants provided for in Section 10 hereof. Any amount expended by the Department of Revenue on behalf of any county less the part of the cost to be borne by the state shall be repaid to the state with interest at the rate of 5% per annum, one-tenth of the total for each of ten successive years beginning with the fiscal year next following the year for which the reappraised values are used as a basis for ad valorem tax assessments. This obligation shall be the first claim against any ad valorem taxes collected in a county for which the funds provided herein are used.

The state and each agency of such county shall bear its pro rata share of the costs on the basis of the revenue received from ad valorem taxes. The amounts repaid to the state shall be redistributed to the funds from which appropriated.

Section 14. Any public official having responsibility in the State-wide Equalization Program who deliberately commits any act or deed to avoid or in any way frustrate the provisions or intent of the law shall be charged with a misdemeanor and shall if convicted be subject to a fine of not more than \$500.00 (Five Hundred Dollars) for each such offense."

Section 15. The statewide property reappraisal program shall be administered by the Commissioner of Revenue, State of Alabama, and supervised by the chief of the Ad Valorem Tax Division.

Section 16. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws in conflict herewith are hereby repealed.

Section 18. This law shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

MOTION TO RECONSIDER

On motion of Mr. Weaver, the Senate reconsidered the vote by which the Bill:

H. 130. Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties.

was passed on the Eleventh Legislative Day.

On motion of Mr. Weaver, the Senate reconsidered the vote by which the Bill, H. B. 130, was ordered to its third reading.

On motion of Mr. Weaver, further consideration of the Bill, H. B. 130, was postponed until the next Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 100. Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; further regulating the registration of voters in such counties.

JOHN W. PEMBERTON,

Clerk.

HOUSE MESSAGE

On motion of Mr. Edington, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 100, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 100

A BILL
TO BE ENTITLED
AN ACT

Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; further regulating the registration of voters in such counties and providing for additional compensation of members of the board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census, the board of registrars, in addition to the sessions now prescribed by law, shall meet during the months of February, March and April and remain in session daily, Sunday and legal holidays excepted, for the purpose of registering voters and performing all such other duties as may be prescribed by law, provided however, that no registration of voters may be made during the 10 day period next preceding any general, special or primary elections.

Section 2. In addition to any and all other expense allowances and compensation provided for by law, members of the board of registrars in such counties shall receive \$5.00 per day for attending meetings of said board, to be paid out of the general fund of such counties.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	Lindsey	Register
Carr	Hammond	Littleton	Shelby
Clark	Harris	Lybrand	Vacca
Cook	Hawkins	McLain	Weaver
Cooper	Horne	Noonan	Wilder
Dominick	Jones	Owen	Wilson
Edington	King		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 132. To amend Act No. 403, H. 330, Regular Session 1971, approved August 19, 1971, amending Section 18 of said Act in relation to the counties in which the Act shall not apply.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Malone	
Bailes	Fine	King	Pierce	
Branyon	Foshee	Lindsey	Register	
Carr	Gilmore	Littleton	Shelby	
Clark	Givhan	Lybrand	Vacca	
Cook	Harris	McLain	Wilson	
Cooper	Horne			—25

Nays: —0

The Bill:

S. 134. To provide further for the compensation of the members of the board of education of Perry County.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pierce	
Bailes	Foshee	McLain	Shelby	
Branyon	Givhan	Malone	Vacca	
Carr	Harris	Noonan	Weaver	
Clark	Hawkins	O'Bannon	Wilder	
Dozier	Horne	Owen	Wilson	
Edington	Jones			—25

Nays: —0

The Bill:

S. 136. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 2 and 11, Township 16N, Range 18E, Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pierce	
Carr	Gilmore	Lindsey	Shelby	
Clark	Givhan	Littleton	Vacca	
Cook	Hammond	Lybrand	Weaver	
Cooper	Harris	McLain	Wilder	
Dominick	Hawkins	Owen	Wilson	
Dozier	Jones			—25

Nays: —0

The Bill:

H. 112. To provide that there shall be three deputy sheriffs in counties having a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Malone
Bailes	Fine	King	Noonan
Branyon	Foshee	Lindsey	Pierce
Carr	Hammond	Littleton	Register
Clark	Harris	Lybrand	Shelby
Cook	Hawkins	McLain	Wilson
Cooper	Horne		

—25

Nays:

—0

The Bill:

H. 187. To regulate further the summoning of witnesses in Lawrence County; to provide that witnesses may be subpoenaed by United States mail in Lawrence County under certain conditions; and to prescribe a mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Bailes	Givhan	Lybrand	Shelby
Branyon	Hammond	McLain	Vacca
Carr	Harris	Malone	Weaver
Clark	Hawkins	Noonan	Wilder
Cook	Horne	O'Bannon	Wilson
Cooper	Jones		

—25

Nays:

—0

MOTION TO RECONSIDER

On motion of Mr. Givhan, the Senate reconsidered the vote by which the Bill, S. B. 134, was passed.

On motion of Mr. Givhan, the Senate reconsidered the vote by which the Bill, S. B. 134, was ordered to its third reading.

On motion of Mr. Givhan, further consideration of the Bill, S. B. 134, was postponed temporarily.

FURTHER CONSIDERATION OF H. B. 59

The Senate proceeded to further consideration of the Bill, H. B. 59. The question was on the Noonan amendment to the Noonan substitute.

And said amendment was then adopted.

Mr. King offered the following amendment to the Noonan substitute, as amended, for the Bill, H. B. 59, to-wit:

AMENDMENT TO THE NOONAN SUBSTITUTE

AS AMENDED, FOR H. B. 59

Amend Section 8. (1) by deleting therefrom the words "the department of revenue is hereby authorized to" and to substitute therefor the following "the department of revenue shall."

Which was adopted.

Yeas 21; Nays 12:

Yeas:

Messrs.:	Gilmore	McLain	Register
Bailes	Harris	Malone	Shelby
Carr	Hawkins	Noonan	Vacca
Cook	Jones	O'Bannon	Wilder
Dominick	King	Pierce	Wilson
Edington	Lybrand		

—21

Nays:

Messrs.:	Dozier	Givhan	Littleton
Branyon	Fine	Horne	Owen
Clark	Foshee	Lindsey	Weaver
Cooper			

—12

Mr. Fine offered the following amendment to the Noonan substitute, as amended, for the Bill, H. B. 59, to-wit:

AMENDMENT TO NOONAN SUBSTITUTE

AS AMENDED, FOR H. B. 59

Amend Section 18 by striking out the “.” after the word law in the last line and substitute a “,” therefor and by adding the following words, “provided that Constitutional Amendment known as H. B. 56 is adopted by a majority of the voters of the state and becomes part of the property tax laws.”

On motion of Mr. Noonan, said amendment was laid on the table.

Yeas 20; Nays 12.

Yeas:

Messrs.:	Gilmore	Lybrand	Pierce
Bailes	Harris	McLain	Register
Carr	Hawkins	Malone	Vacca
Cook	Jones	Noonan	Wilder
Dominick	King	O'Bannon	Wilson
Edington			

—20

Nays:

Messrs.:	Dozier	Givhan	Littleton
Branyon	Fine	Horne	Owen
Clark	Foshee	Lindsey	Weaver
Cooper			

—12

Mr. Fine then offered the following amendment to the Noonan substitute as amended, for the Bill, H. B. 59, to-wit:

AMENDMENT TO NOONAN SUBSTITUTE

AS AMENDED, FOR H. B. 59

Amend Section 6 by adding the following after the last sentence “Provided, however, that any firms or appraisers hired by the State Department of Revenue or by local government shall be bonafied residents of the State of Alabama and shall have resided in the state for at least one year prior to the passage of this Act .

Mr. Noonan moved that said amendment be laid on the table, which motion was lost.

Yeas 13; Nays 19.

Yeas:

Messrs.:	Dominick	Hawkins	Noonan
Bailes	Edington	King	Register
Carr	Gilmore	Lybrand	Vacca
Cook	Harris		

—13

Nays:

Messrs.:	Fine	Lindsey	Pierce
Branyon	Foshee	Littleton	Shelby
Clark	Givhan	McLain	Weaver
Cooper	Horne	O'Bannon	Wilder
Dozier	Jones	Owen	Wilson

—19

And said amendment was then adopted.

Mr. Cooper offered the following amendment to the Noonan substitute, as amended, for the Bill, H. B. 59, to-wit:

AMENDMENT TO NOONAN SUBSTITUTE

AS AMENDED, FOR H. B. 59

Amend H. B. 59, as substituted, by striking in Section 15 the following "and supervised by the Chief of the Ad Valorem Tax Division".

On motion of Mr. Wilson, said amendment was laid on the table.

Yeas 20; Nays 12.

Yeas:

Messrs.:	Gilmore	Lybrand	Register
Bailes	Harris	Malone	Shelby
Carr	Hawkins	Noonan	Vacca
Cook	Jones	O'Bannon	Wilder
Dominick	King	Pierce	Wilson
Edington			

—20

Nays:

Messrs.:	Dozier	Givhan	Littleton
Branyon	Fine	Horne	Owen
Clark	Foshee	Lindsey	Weaver
Cooper			

—12

Mr. Cooper then offered the following amendment to the Noonan substitute, as amended, for the Bill, H. B. 59, to-wit:

AMENDMENT TO NOONAN SUBSTITUTE

AS AMENDED, FOR H. B. 59

AMEND NOONAN SUBSTITUTE AS AMENDED, FOR H. B. 59
AS FOLLOWS:

Section 3. Delete the following words in line 1 "governing body of this state through its respective". In line 2 add the words "or other appropriate authority" after the words tax assessor.

Further amend:

Section 7. Delete the following words in line 2 "governing bodies

and tax assessor" and inserting in lieu thereof the following "tax assessor or other appropriate authority"

Further amend:

Section 8. (I) line 1 Insert after the word "county" the following words "tax assessor or other appropriate authority."

On motion of Mr. Wilson, said amendment was laid on the table.

Yeas 21; Nays 12.

Yeas:

Messrs.:	Gilmore	McLain	Register
Bailes	Harris	Malone	Shelby
Carr	Hawkins	Noonan	Vacca
Cook	Jones	O'Bannon	Wilder
Dominick	King	Pierce	Wilson
Edington	Lybrand		

—21

Nays:

Messrs.:	Dozier	Givhan	Littleton
Branyon	Fine	Horne	Owen
Clark	Foshee	Lindsey	Weaver
Cooper			

—12

Mr. Dominick offered the following amendment to the Noonan substitute, as amended, for the Bill, H. B. 59, to-wit:

**AMENDMENT TO NOONAN SUBSTITUTE,
AS AMENDED, FOR H. B. 59**

The Substitute for H. B. 59 is hereby amended by striking out the words "one million dollars" and inserting in lieu thereof "six million dollars" and by striking out the words "three million dollars" and inserting in lieu thereof "six million dollars," as the appropriations made in proposed Section 13 for the fiscal years ending September 30, 1972, and September 30, 1973.

The aforesaid substitute for H. B. 59 is further amended by striking out the followings:

"each county to bear its pro rata share of the total in proportion to the value the property assessed for taxation in such county bears to the total value of all property assessed for taxation in this state."

On motion of Mr. Noonan, said amendment was laid on the table.

Yeas 25; Nays 7.

Yeas:

Messrs.:	Foshee	Littleton	Owen
Branyon	Givhan	Lybrand	Pierce
Carr	Hammond	McLain	Register
Clark	Harris	Malone	Shelby
Cooper	Horne	Noonan	Weaver
Dozier	Jones	O'Bannon	Wilson
Fine	Lindsey		

—25

Nays:

Messrs.:	Cook	Gilmore	King
Bailes	Dominick	Hawkins	Vacca

—7

Mr. Dominick then offered the following amendment to the Noonan substitute, as amended, for the Bill, H. B. 59, to-wit:

AMENDMENT TO NOONAN SUBSTITUTE,

AS AMENDED, FOR H. B. 59

The Substitute for H. B. 59 is hereby amended by striking out the words "one million dollars" and inserting in lieu thereof "two million dollars" and by striking out the words "three million dollars" and inserting in lieu thereof "six million dollars," as the appropriations made in proposed Section 13 for the fiscal years ending September 30, 1972, and September 30, 1973.

On motion of Mr. Cooper, said amendment was laid on the table.

Yeas 24; Nays 7.

Yeas:

Messrs.:	Foshee	Lindsey	O'Bannon
Branyon	Givhan	Littleton	Owen
Carr	Hammond	Lybrand	Pierce
Cooper	Harris	McLain	Register
Dozier	Horne	Malone	Shelby
Edington	Jones	Noonan	Wilson
Fine			

—24

Nays:

Messrs.:	Cook	Gilmore	King
Bailes	Dominick	Hawkins	Vacca

—7

And the Noonan substitute, as amended, for the Bill, H. B. 59, was then adopted by the Senate.

Yeas 21; Nays 13.

Yeas:

Messrs.:	Edington	Lybrand	Register
Bailes	Gilmore	Malone	Shelby
Carr	Harris	Noonan	Vacca
Clark	Hawkins	O'Bannon	Wilder
Cook	Jones	Pierce	Wilson
Dominick	King		

—21

Nays:

Messrs.:	Fine	Horne	McLain
Branyon	Foshee	Lindsey	Owen
Cooper	Givhan	Littleton	Weaver
Dozier	Hammond		

—13

And said Bill, H. B. 59, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 19; Nays 15.

Yeas:

Messrs.:	Edington	Jones	Lybrand
Carr	Gilmore	King	Malore
Clark	Harris	Lindsey	Noonan

O'Bannon
Owen

Pierce
Register

Shelby
Vacca

Wilder
Wilson

—19

Nays:

Messrs.:
Bailes
Branyon
Cook

Cooper
Dominick
Dozier
Fine

Foshee
Givhan
Hammond
Hawkins

Horne
Littleton
McLain
Weaver

—15

REPORTS OF COMMITTEES

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Noonan:

S. 137. To amend further Code of Alabama of 1940, Title 51, Section 89, which prescribes the manner of appointing members of the several boards of equalization in this State, amending such section so as to make the provision requiring nominees for appointment to such boards to qualify by taking a civil service examination applicable in certain counties having populations of 300,000 or more.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 157. To amend Section 713, Title 7, Code of Alabama 1940 as last amended, to allow legal advertisement in any newspaper regardless of where such newspaper is printed; and requiring such newspapers to be published for at least fifty-one weeks a year.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Register:

S. 145. Relating to court houses, jails and public buildings in each county having a population of not less than 50,000 nor more than 60,000 according to the last or any subsequent federal decennial census; to authorize any such county to acquire off-street parking facilities in the vicinity of any such court house, jail or public building; to authorize any such county to sell and issue from time to time its interest-bearing warrants for the purpose of obtaining funds to finance the cost of acquiring and constructing court houses, jails and public buildings, and extensions to or improvements of existing court houses, jails or public buildings, including off-street parking facilities; to provide that such warrants shall evidence the general obligation indebtedness of any such county; to provide that such warrants may, at the discretion of the governing body of any such county, be additionally secured by a pledge or pledges of the proceeds from any tax or taxes; to specify

the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds pledged to the payment thereof; to exempt such warrants from the provisions of Chapters 6 and 8 of Title 12 of the Code of Alabama of 1940, as amended; and to provide for the severability of the provisions of this Act.

By Mr. Hammond (with notice and proof):

S. 146. To amend Act No. 1734, H. 2563, Regular Session 1971, approved September 17, 1971, which provides for juries composed of six members for trial of certain cases in the DeKalb County Court, so as to provide further for the minimum number of jurors on the list from which the six-man jury is to be struck.

By Mr. Hammond (with notice and proof):

S. 147. To provide that the Judge of the Inferior Court of DeKalb County shall receive as a salary the sum of \$6,900.00 per year.

By Mr. Shelby:

S. 151. To provide that in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census, it shall be unlawful for any person to file for record certain legal documents that do not have legibly printed, typewritten or stamped thereon the name and address of the person or persons who prepared such legal documents, and to provide that it shall be a misdemeanor for anyone to falsify said statement; and To further provide that in all such counties, the judge of probate shall not be liable in damages or penalty for any error or mistake in the performance of the duties prescribed by this act if committed in good faith.

By Mr. Shelby:

S. 152. To provide for the additional indexing of land transfer instruments in probate offices in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census.

By Mr. Shelby:

S. 153. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, to provide further for the compensation of members of boards of registrars in such counties.

By Mr. Shelby:

S. 154. To repeal Act No. 290, H. 418, 1965 Regular Session, entitled, "An Act Relating to counties having populations of not less than 100,000 and not more than 115,000 according to the most recent federal decennial census; to provide for payment by the county of per diem allowances to members of boards of registrars in such counties."

By Mr. Littleton:

S. 158. To amend the title and Section 1 of Act No. 520, H. 213, Regular Session 1971, approved August 31, 1971, which Act provides an additional expense allowance for the Probate Judge for counties having populations of not less than 10,660 nor more than 10,900 ac-

cording to the most recent federal decennial census; so as to provide that such expense allowance shall be paid to the Chairman of the Board of County Commissioners instead of the Probate Judge.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Littleton, Givhan and Cooper:

S. 159. To make a conditional supplemental appropriation from the Special Educational Trust Fund to the Speech and Hearing Center at the University of Montevallo for the fiscal years ending September 30, 1972 and September 30, 1973.

Committee on Finance and Taxation.

By Messrs. Harris, Lindsey and Shelby:

S. 160. To provide for the registration and regulation of insurers which are members of an insurance holding company system, for examination of such insurers, and for injunctions, criminal proceedings, rehabilitation, revocation, suspension and nonrenewals in connection with such registration and regulation.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Harris, Lindsey and Shelby:

S. 161. To enact the Alabama Insurance Holding Company System Regulatory Act relating to insurance; to provide for the regulation of insurance holding company systems; to define the term "insurance holding company system" and certain other terms; to provide for and regulate the acquisition of subsidiaries of insurers; to regulate the acquisition of control of or merger with domestic insurers; to provide for the filing of certain information with the Superintendent of Insurance; to prescribe grounds for approval of mergers and acquisitions; to provide for notice and hearing; to provide for exemptions; to provide for registration of insurers and to prescribe information to be filed; to provide for amendments to registration statements; to provide for exemptions and disclaimers; to provide standards for material transactions between insurers and their affiliates; to regulate extraordinary dividends and distributions; to provide for examination by the Superintendent of Insurance with the respect to the verification of information required to be filed; to provide confidential treatment for information filed pursuant to the provisions of the Act; to empower the Superintendent of Insurance to issue rules, regulations, and orders to carry out and administer the provisions of the Act; to authorize the Superintendent of Insurance to enjoin violations of the Act; to prohibit voting of equity securities acquired in violation of the Act; to provide for the sequestration of securities acquired contrary to the provisions of the Act; to provide criminal penalties; to provide for receivership, revocation or suspension of license for violation of the Act; to provide for judicial review; to supersede conflicting laws; to provide for separability of provisions; and to provide an effective date.

Committee on Commerce, Transportation
and Common Carriers.

BILLS ON THIRD READING RESUMED

The Bill:

H. 56. Proposing an amendment to Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; establishing a classification system of property taxation; fixing assessment rates for each class of property.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 56, to-wit:

SUBSTITUTE FOR H. B. 56

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to Article XI, Section 217 of the Constitution of Alabama 1901 relative to ad valorem taxation; providing for the assessment of taxable property for ad valorem tax purposes according to a classification of property with respect to ad valorem taxes levied by the State, and providing alternate methods of assessment of taxable property with respect to ad valorem taxes levied by any taxing authority other than the State.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article XI, Section 217 of the Constitution of Alabama 1901 is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

Section 217. All taxable property within this State, not exempt by law, shall be assessed for ad valorem taxation on the basis of its fair and reasonable market value. As used in this amendment, the term State ad valorem taxes shall mean those ad valorem taxes levied by the State of Alabama; local ad valorem taxes shall mean those ad valorem taxes levied by any county, municipality or other taxing authority, other than the State.

(A) With respect to State and local ad valorem taxes, all real and personal property of public utilities which is used in the business of the utility shall be assessed uniformly throughout the State at such rate of its fair market value as may be fixed by the Legislature.

(B) With respect to State ad valorem taxes all taxable property other than that assessed as utility property used in the business of the utility shall be divided into the following classes and none others:

Class I. All farm lands, including lands reserved for reforestation, and all real property devoted to residential use;

Class II. All other property.

The Legislature shall define the property to be included in each class and shall fix the percentage of fair market value at which each class of property shall be assessed for taxation, and with respect to State ad valorem taxes the percentage of fair market value at which property within a designated class shall be assessed shall be uniform throughout the State at such rate as the Legislature has fixed for such class.

(C) With respect to local ad valorem taxes, taxable property within a county other than that assessed as utility property used in the business of the utility shall be assessed either in accordance with the same classification system of assessment that applies with respect to State ad valorem taxes, or, at a uniform rate of assessment as may be determined by the Legislature, and the assessment ratio and method of assessment of taxable property for local ad valorem taxes may vary from one county to another.

1. If the Legislature fails to provide that a uniform rate of assessment shall apply within a county for local ad valorem tax purposes, then all taxable property within a county other than that assessed as utility property used in the business of the utility shall be assessed according to the same classes as property is assessed for State ad valorem tax purposes, and at the same respective rates of assessment as shall apply to the respective classes for State ad valorem tax purposes; provided that the Legislature may, as to any county where there is a classification of property for local ad valorem taxes, increase the rate of assessment applicable to any class of property above the assessment rates applicable for State ad valorem tax purposes. Within any county where property is classified for local ad valorem tax purposes, the percentage of fair market value at which property within a designated class shall be assessed shall be uniform within such county and at such rate as has been fixed for such class.

2. If the Legislature so provides, for local ad valorem tax purposes within any county, the taxable property within such county other than that assessed as utility property used in the business of the utility shall be assessed at a uniform rate without classification at such rate as may be fixed by the Legislature, provided, however, that such uniform rate of assessment can be no lower than the lowest class rate that may be fixed by the Legislature for any class of property as fixed by the Legislature for State ad valorem tax purposes.

(D) Any provision of the Constitution of Alabama or any amendment thereto to the contrary notwithstanding, any county and any municipality within such county which for ad valorem tax purposes has had completed an equalization of the assessments of property within its borders at the assessment to market value ratio fixed by the legislature and this fact is certified by the department of revenue, shall have the rate of tax for such county and each municipality therein fixed at such percentage of the assessment value of the property as will produce an amount of tax which will equal the amount of ad valorem tax collected for the next preceding year. Provided, any property included in the equalized assessment certified by the department of revenue which did not appear on the tax rolls of the counties for the preceding tax year and any assessments of new property added to the tax rolls of the counties subsequent to such certification shall not be used as a factor in computing the adjusted tax rates but shall be subject to tax as provided by law. Each county and each municipal levy of an ad valorem tax applying to the property in a county or in a municipality shall be reduced or increased, as the case may be, in proportion to the reduction or increase in the total of all levies of ad valorem tax for such county or for such municipality.

(E) The governing body of any county or any municipality therein may at any time after the department of revenue has certified to the equalization of tax assessments in such county, propose an increase or decrease in the percentage of assessed value to be applied to the property in said county or municipality for purposes of taxation. Such proposal for an increase or decrease shall be submitted to a vote of the qualified electors of said county or said municipality and shall become

effective only after the affirmative vote of a majority of those voting and shall first apply to assessments made for the next following tax year. No election for the purpose of increasing or decreasing a tax rate shall be held by a county or municipality within one year of the last such election held by such county or municipality.

(F) There shall be no decrease in the rate of ad valorem tax which would jeopardize the payment of any bonded indebtedness.

(G) No property shall be taxed at more than 1.5 per cent of its fair market value, per annum.

(H) The Legislature may provide for exemptions from taxation.

(i) The Legislature shall have power to implement the provisions of this amendment by appropriate legislation.

(J) The following property shall be exempt from all ad valorem taxation: The real and personal property of the state, counties and municipalities and property devoted exclusively to religious, educational or charitable purposes.

(K) This amendment shall be effective with respect to each county when the property in such county has been revalued at fair and reasonable market value and that fact has been certified by the commissioner of revenue.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article XVIII, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the Courthouse and in three other places in the county.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, H. B. 56, to-wit:

**COMMITTEE AMENDMENT TO COMMITTEE SUBSTITUTE
FOR H. B. 56**

Amend Section 1 referring to Section 217(A) by deleting the words: "at such rate of its fair market value as may be fixed by the Legislature", and substituting therefor the following:

"at the rate of thirty percent of its fair market value."

Also,

Amend Section 1 referring to Section 217(B) by adding following the end of the definition of Class I ending with the words "residential use" add: "and shall be assessed at fifteen percent of its fair market value." And adding following the end of the definition of Class II ending with the words "other property", the following:

"and shall be assessed at twenty percent."

On motion of Mr. Harris, said amendment was laid on the table.

On motion of Mr. Harris, the Committee substitute for the Bill, H. B. 56, was laid on the table.

Mr. Harris then offered the following substitute for the Bill, H. B. 56, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE

FOR H. B. 56

A BILL

TO BE ENTITLED

AN ACT

Proposing an amendment to Article XI, Section 217 of the Constitution of Alabama 1901 relative to ad valorem taxation; providing for the assessment of taxable property for ad valorem tax purposes according to a classification of property with respect to ad valorem taxes levied by the State, and providing alternate methods of assessment of taxable property with respect to ad valorem taxes levied by any taxing authority other than the State.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article XI, Section 217 of the Constitution of Alabama 1901 is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"Section 217(a). All taxable property within this State, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities,

Class II. All tangible and intangible personal property,

Class III. All property not otherwise classified,

Class IV. All agricultural, forest and residential property.

(b) With respect to ad valorem taxes levied by the State, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value of such property:

Class I. 30 percentum

Class II. 25 percentum

Class III. 20 percentum

Class IV. 15 percentum

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b)

herein, provided that the Legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (b) herein, and provided, further, that the Legislature may fix a uniform ratio of assessment of all property within a county exclusive of utility property. Such ratios as herein authorized may vary among counties so long as each such ratio is uniform within a county.

(d) A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax.

(e) A county, municipality, or other taxing authority may levy an ad valorem tax or increase any ad valorem tax rate, only if the proposed levy or increase shall have been (1) proposed by the authority having power to levy the tax after a public hearing on such proposal, (2) thereafter approved by an act of the Legislature, and (3) subsequently approved by a majority vote of the qualified electors of the area in which the tax is to be levied or increased who vote on the proposal.

(f) The Legislature is authorized to enact legislation to implement the provisions of this amendment, and may provide for exemptions from taxation.

(g) Any provision of the Constitution of Alabama to the contrary notwithstanding, ad valorem taxes shall never exceed $1\frac{1}{2}\%$ of the fair and reasonable market value of the property in any one taxable year.

(h) The following property shall be exempt from all ad valorem taxation: The real and personal property of the state, counties and municipalities and property devoted exclusively to religious, educational or charitable purposes.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article XVIII, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Mr. Fine offered the following amendment to the Harris substitute for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE FOR H. B. 56

Amend Section 1 by adding after the last sentence as Section 217

(i) the following:

"The Fair and Reasonable Market Value" of property subject to ad valorem tax shall not necessarily be determined by sales price alone, but due weight and consideration shall be given to the present use

of the property; to the annual net return from the use or rental of such property; to any and all factors which tend to either depreciate or appreciate the value of such property; the replacement costs of any improvements thereon together with the actual (not book) depreciation of any such improvements as well as the value of any comparable real or personal property on the assessment rolls of the several tax assessors in the State and County insofar as the above listed factors shall apply. Provided that no taxable property shall be considered valueless simply because it is not used or shows no net return from its use or rental and provided further that neither the property owner, the Department of Revenue nor the tax assessors or Boards of Equalization of the several counties shall be allowed to or allow the use of different values for different purposes with any department or agency of the State or County.

On motion of Mr. Harris, said amendment was laid on the table.

Yeas 19; Nays 14.

Yeas:

Messrs.:	Gilmore	Lybrand	Pierce
Bailes	Harris	McLain	Register
Carr	Hawkins	Malone	Shelby
Cook	Jones	Noonan	Vacca
Dominick	King	O'Bannon	Wilson

—19

Nays:

Messrs.:	Dozier	Hammond	Owen
Branyon	Fine	Horne	Weaver
Clark	Foshee	Lindsey	Wilder
Cooper	Givhan	Littleton	

—14

Mr. Cooper offered the following amendment to the Harris substitute for the Bill, H. B. 56, to-wit:

AMENDMENT TO THE HARRIS SUBSTITUTE FOR H. B. 56

Amend Section 1 by deleting therefrom Section 217 (c) and substituting therefor the following:

"(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein. Provided, however, that the Legislature may fix a uniform ratio of assessment of all property within a county, but such uniform ratio of assessment shall in no event be fixed at higher than 30% and such uniform ratios herein authorized may vary among counties so long as each such ratio is uniform within a county, exclusive of utilities. And provided, further, that any uniform ratio of assessment of all property within a county fixed and established in the Enabling Act for this amendment adopted at the 3rd Special Session of 1971 of the Alabama Legislature shall continue in effect in each county therein named until changed by act of the Legislature."

On motion of Mr. Harris, said amendment was laid on the table.

Yeas 18; Nays 14.

Yeas:

Messrs.:	Carr	Dominick	Foshee
Bailes	Cook	Edington	Gilmore

Harris	Lybrand	Noonan	Vacca	
Jones	McLain	O'Bannon	Weaver	
King	Malone	Pierce		—18

Nays:

Messrs.:	Dozier	Horne	Shelby	
Branyon	Fine	Littleton	Wilder	
Clark	Givhan	Owen	Wilson	
Cooper	Hammond	Register		—14

Mr. Dominick offered the following amendment to the Harris substitute for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE FOR H. B. 56

The proposed constitutional amendment is amended by adding at the end thereof subparagraph (j) reading as follows:

“(j) This amendment shall be applicable with respect to each county and each municipality or taxing authority therein when the Commissioner of Revenue has certified to the governing body of the county that there has been completed an equalization of the assessments of property within the county as required at this session of the Legislature and a copy of such certification filed in the office of the Secretary of State and the office of the Judge of Probate of the county.”

On motion of Mr. Harris, said amendment was laid on the table.

Yeas 19; Nays 11.

Yeas:

Messrs.:	Foshee	Littleton	Register	
Branyon	Givhan	Lybrand	Shelby	
Clark	Hammond	O'Bannon	Weaver	
Dozier	Harris	Owen	Wilder	
Fine	Lindsey	Pierce	Wilson	—19

Nays:

Messrs.:	Cook	Hawkins	McLain	
Bailes	Dominick	Jones	Malone	
Carr	Gilmore	King	Vacca	—11

Mr. Bailes offered the following amendment to the Harris substitute for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE FOR H. B. 56

Delete paragraph (e) in Section 1 of the proposed constitutional amendment and insert in lieu thereof the following (e):

“Any county, municipality, or other taxing authority may increase the rate at which ad valorem taxes are levied above the limit now provided in the Constitution provided that the proposed increase shall have been (1) proposed by the authority having power to levy the tax after a public hearing on such proposal, (2) thereafter approved by an act of the Legislature, and (3) subsequently approved by a majority vote of the qualified electors of the area in which the tax is to be levied or increased who vote on the proposal.”

Which was adopted.

Mr. Wilson offered the following amendment to the Harris substitute, as amended, for the Bill, H. B. 56, to-wit:

**AMENDMENT TO HARRIS SUBSTITUTE, AS AMENDED,
FOR HOUSE BILL 56**

Amend the Harris substitute, as amended, by striking in its entirety in Section 1 on page 1 of said bill in "Section 217(b)" the following:

"Class IV. 15 percentum"

And insert in lieu of the deleted words and figure the following:

"Class IV. 10 percentum"

Mr. Harris moved that said amendment be laid on the table, which motion was lost.

And said amendment was then lost.

Yeas 12; Nays 21.

Yeas:

Messrs.:	Fine	Hammond	Littleton	
Branyon	Foshee	Horne	Owen	
Cooper	Givhan	Lindsey	Weaver	
Dozier				—12

Nays:

Messrs.:	Edington	Lybrand	Pierce	
Bailes	Gilmore	McLain	Register	
Carr	Harris	Malone	Shelby	
Clark	Hawkins	Noonan	Vacca	
Cook	Jones	O'Bannon	Wilder	
Dominick	King			—21

MOTION TO ADJOURN LOST

At 4:16 P. M., Mr. Carr moved that the Senate do now adjourn until Tuesday, January 11, 1972, at 2 o'clock P. M., which motion was lost.

Yeas 5; Nays 27.

Yeas:

Messrs.:	Carr	Dominick	Horne	
Bailes	Cooper			—5

Nays:

Messrs.:	Foshee	Lindsey	Pierce	
Branyon	Givhan	Littleton	Register	
Clark	Hammond	Lybrand	Shelby	
Cook	Harris	McLain	Vacca	
Dozier	Hawkins	Malone	Weaver	
Edington	Jones	Noonan	Wilder	
Fine	King	Owen	Wilson	—27

FURTHER CONSIDERATION OF H. B. 56

The Senate proceeded to further consideration of the Bill, H. B. 56. The question was on the Harris substitute, as amended.

Mr. Cooper offered the following amendment to the Harris substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE, AS AMENDED,
FOR H. B. 56

Amend Section 1 by deleting therefrom Section 217 (c) and substituting therefor the following:

“(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value at the fair and reasonable market value thereof as fixed in paragraph (b) herein, and provided the Legislature may reduce the ratio of assessed value at the fair and reasonable market value as to any class of property as defined in paragraph (a) and limited in paragraph (b) herein, and provided, further, that the Legislature may fix a uniform ratio of assessment of all property within a county at a ratio not exceeding 30% of fair and reasonable market value; and provided that utility property shall be assessed at 30% of the fair and reasonable market value of such property. Such ratios as herein authorized may vary among counties so long as each such ratio is uniform within a county.”

On motion of Mr. Harris, said amendment was laid on the table.

Yeas 20; Nays 12.

Yeas:

Messrs.:	Edington	Lybrand	Pierce
Bailes	Gilmore	McLain	Register
Carr	Harris	Malone	Shelby
Clark	Jones	Noonan	Vacca
Cook	King	O'Bannon	Wilder
Dominick			

—20

Nays:

Messrs.:	Fine	Hammond	Littleton
Branyon	Foshee	Horne	Owen
Cooper	Givhan	Lindsey	Weaver
Dozier			

—12

Mr. King offered the following amendment to the Harris substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE, AS AMENDED,
FOR H. B. 56

The proposed constitutional amendment is hereby amended by inserting the following paragraph following paragraph (f) to read as follows:

“(g) Wherever any constitutional provision or statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes such provision shall mean as assessed for county or municipal taxes as the case may be.”

The present paragraphs lettered (g) etc. are relettered (h), etc.
Which was adopted.

Mr. Dominick offered the following amendment to the Harris substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE, AS AMENDED,
FOR H. B. 56

Amend H. B. No. 56 as amended by striking the words "and intangible" wherever they appear in Section 217 (a).

Mr. Fine moved that said amendment be laid on the table, which motion was lost.

Yeas 12; Nays 20.

Yeas:

Messrs.:	Foshee	Lindsey	O'Bannon	
Cooper	Hammond	Littleton	Owen	
Dozier	Horne	Malone	Shelby	
Fine				—12

Nays:

Messrs.:	Gilmore	King	Register	
Bailes	Givhan	Lybrand	Vacca	
Branyon	Harris	McLain	Weaver	
Clark	Hawkins	Noonan	Wilder	
Cook	Jones	Pierce	Wilson	
Dominick				—20

The question was then on the amendment offered by Mr. Dominick, and a call of the roll resulted in a tie vote.

Yeas 15; Nays 15.

Yeas:

Messrs.:	Dominick	King	Shelby	
Bailes	Gilmore	Littleton	Vacca	
Clark	Givhan	McLain	Wilder	
Cook	Hawkins	Noonan	Wilson	
				—15

Nays:

Messrs.:	Fine	Jones	Owen	
Branyon	Foshee	Lindsey	Pierce	
Cooper	Harris	Lybrand	Register	
Dozier	Horne	O'Bannon	Weaver	
				—15

The President and Presiding Officer of the Senate voted "Nay", whereupon the amendment was lost.

Mr. Noonan offered the following amendment to the Harris substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE, AS AMENDED,
FOR H. B. 56

Amend Section 1, paragraph (d) as follows:

Ad the following phrase after the word "tax" as it appears at the end of paragraph (d).

"Should the appraisals and classifications of the same result in the receipt of less tax revenue by any such governmental agency than the tax revenue received by it from the same sources during the immediately preceding tax year then such governmental agency is hereby required to increase the rate or millage by the amount necessary to produce revenue substantially equal to that received during such immediately preceding tax year. It is further provided that any and all rate or millage adjustments should be made in increments of not less than $\frac{1}{2}$ mill, any fraction greater than 1 mill, but less than $1\frac{1}{2}$ shall be adjusted to $1\frac{1}{2}$ mills, any fraction of a mill greater than $1\frac{1}{2}$ shall be adjusted to the next full mill."

Which was adopted.

Mr. Noonan offered the following amendment to the Harris substitute, as amended, for the Bill, H. B. 56, to-wit:

**AMENDMENT TO THE HARRIS SUBSTITUTE, AS AMENDED
FOR H. B. 56**

Amend Section 217(a) of Section 1 by deleting Class II, Class III, and Class IV in their entirety and substituting in lieu thereof the following:

Class II. Residential property, tangible and intangible personal property, and all property not otherwise classified.

Class III. All agricultural and forest property.

Further amend H. B. 56 in Section 217(b) of Section 1 by deleting the words "Class IV. 15 percentum".

On motion of Mr. Harris, said amendment was laid on the table.

Yeas 20; Nays 12.

Yeas:

Messrs.:	Foshee	Lindsey	Register
Branyon	Givhan	Littleton	Shelby
Clark	Hammond	Malone	Weaver
Cooper	Harris	O'Bannon	Wilder
Dozier	Horne	Owen	Wilson
Fine			

—20

Nays:

Messrs.:	Dominick	Hawkins	Noonan
Bailes	Edington	Jones	Pierce
Carr	Gilmore	King	Vacca
Cook			

—12

Mr. Dominick offered the following amendment to the Harris substitute, as amended, for the Bill, H. B. 56, to-wit:

**AMENDMENT TO HARRIS SUBSTITUTE, AS AMENDED,
FOR H. B. 56**

Amend H. B. 56 as substituted by deleting Class II and the remainder of Section 217 (a) and insert in lieu thereof the following:

"Class II. All property not otherwise classified.

Class III. All agricultural, forest and residential" and further amend Section 217 (b) by deleting the words "Class IV. 15 percentum"

Mr. Lybrand moved that further consideration of the Bill, H. B. 56, and all pending amendments and substitutes, and H. B. 57, be carried over temporarily. Mr. Cooper moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 13; Nays 18.

Yeas:

Messrs.:	Dozier	Horne	Owen	
Branyon	Fine	Lindsey	Register	
Carr	Foshee	Littleton	Wilder	
Cooper	Givhan			—13

Nays:

Messrs.:	Edington	King	Shelby	
Bailes	Gilmore	Lybrand	Vacca	
Clark	Hammond	McLain	Weaver	
Cook	Hawkins	Noonan	Wilson	
Dominick	Jones	Pierce		—18

The question recurred on the motion of Mr. Lybrand that further consideration of the Bill, H. B. 56, and all pending amendments and substitutes, and H. B. 57, be carried over temporarily.

ADJOURNMENT

The hour of twelve o'clock Midnight having arrived, the Chair declared the Senate adjourned, pending further consideration of the Bill, H. B. 56, until Saturday, January 8, 1972, at 10 o'clock A. M.

THIRTEENTH LEGISLATIVE DAY

SATURDAY, JANUARY 8, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Senator L. D. Owen, Jr., from the Twenty-fifth Senatorial District.

ROLL CALL

Present:

Messrs.:	Fine	King	Pelham	
Bailes	Foshee	Lindsey	Pierce	
Branyon	Gilmore	Littleton	Register	
Clark	Givhan	Lybrand	Shelby	
Cook	Hammond	McLain	Vacca	
Cooper	Harris	Malone	Weaver	
Dominick	Hawkins	Noonan	Wilder	
Dozier	Horne	O'Bannon	Wilson	
Edington	Jones	Owen		—34

JOURNAL

On motion of Mr. Branyon, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Branyon, leave of absence was granted Mr. Carr for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Harris:

S. 162. To apply only in counties having a population of not less than 75,000 nor more than 90,000; to revise the requirements and salary of the Judge of any county court of general jurisdiction in such counties.

Committee on Local Legislation No. 1.

By Mr. Hammond:

S. 163. To make further provision for the financing and construction of public bridges in the state; to authorize Alabama Highway Authority to sell and issue from time to time not exceeding \$25,000,000 principal amount of bonds in addition to those heretofore authorized to be issued by said Authority; to provide for the details of said bonds, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued under this act shall not create an obligation or debt of the state and shall be limited obligations payable solely out of the revenues of the said Authority appropriated and pledged in this act; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds and that the limitation on the amount of the bonds issued by said Authority under this act shall not apply to refunding bonds issued under this act; to provide that said bonds and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies; to provide that said bonds shall be lawful

for the investment of fiduciary funds; to provide for the use of the proceeds of said bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on said bonds; to authorize the said Authority to pledge for payment of the said principal and interest the moneys appropriated and pledged in this act for that purpose; to provide that any portion of this act that may be held invalid shall not affect the validity of any other portion hereof; and to specify the effective date of this act.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Gilmore, Vacca, Dominick, Bailes, Cook, Hawkins and King:

S. 164. To authorize and direct the State of Alabama to pay from the revenue received from the State Sales and Use Tax and into the General Fund of each County which has a population in excess of five hundred thousand (500,000) according to the last or any subsequent federal census, an amount equal to two percent (2%) of the face value of the food stamps issued in each such County under the United States Food Stamp Program.

Committee on Local Legislation No. 2.

By Mr. Jones:

S. 165. To amend Section 1 of Act No. 1403, H. 46, approved September 17, 1971, entitled "An Act To provide for inspection of certain petroleum products, including those commonly known as gasoline, naptha, diesel fuel, kerosene and lubricating oil, that are sold, offered for sale, used or stored in the State of Alabama; to provide for the issuance by the Commissioner of Agriculture and Industries of permits for selling, offering for sale, storing or using such petroleum products and to require the making of applications for such permits and payments of a permit fee; to authorize the Board of Agriculture and Industries to establish minimum standards for such petroleum products; to require compliance with such standards; to provide for enforcement of this act, including provisions for maintenance of records and for labeling, sampling and testing such products, provisions prohibiting adulteration thereof, and provisions for penalties for violation of this act; to prohibit the sale, offering for sale, storage or use in this State of petroleum products not meeting the said standards; to impose an inspection fee in respect of each such petroleum product; to provide for the disposition of such inspection fees and any penalties collected under this act; to provide that violation of this act constitutes a misdemeanor; and to repeal Article 21 of Chapter 1 of Title 2 of the Code of Alabama of 1940 and subdivision 2 of Article 26 of the said Chapter 1."

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Hammond:

S. 166. Relating to counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county.

Committee on Local Legislation No. 1.

RESOLUTIONS

Mr. Lybrand offered the following Senate Resolution, to-wit:

S. R. 38. BE IT RESOLVED BY THE SENATE, That when they

adjourn today, January 8, 1972, they adjourn to meet again on Sunday, January 9, 1972, at 12:01 A. M.

Which was read and referred to the Standing Committee on Rules.

Mr. Cooper offered the following Senate Resolution, to-wit:

S. R. 39. BE IT RESOLVED BY THE SENATE, That when it adjourns today it adjourn to meet again at 12:03 A. M. on Monday, January 10, 1972.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Owen offered the following Motion in Writing, to-wit:

"MOTION IN WRITING

"I move that Joint Rule 12 of the two Houses of the Legislature of Alabama be amended by adding the following sentence:

"'Provided, however, that this rule shall not apply to local bills or to general bills of local application on a population basis'."

Which was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 56. Proposing an amendment to Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; establishing a classification system of property taxation; fixing assessment rates for each class of property.

The question was on the motion of Mr. Lybrand that further consideration of the Bills, H. B. 56 and all pending amendments and H. B. 57, be postponed temporarily.

On motion of Mr. Harris, the Senate reconsidered the vote by which the amendment offered by Mr. Noonan to the substitute, as amended, for the Bill, H. B. 56, was adopted, which said amendment is set out at length in the Journal of the Senate for the Twelfth Legislative Day.

On motion of Mr. Harris, further consideration of said Noonan amendment was postponed temporarily.

The question recurred on the motion of Mr. Lybrand that further consideration of the Bills, H. B. 56 and all pending amendments and H. B. 57, be postponed temporarily, which motion was lost.

Yeas 0; Nays 29.

Yeas:

—0

Nays:

Messrs.:	Cooper	Givhan	Horne
Bailes	Dozier	Hammond	Jones
Branyon	Fine	Harris	King
Clark	Foshee	Hawkins	Lindsey

Littleton	O'Bannon	Register	Weaver
Lybrand	Owen	Shelby	Wilder
Malone	Pelham	Vacca	Wilson
Noonan	Pierce		

—29

Mr. Fine moved that the Senate reconsider the vote by which the Lybrand motion was lost, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Yeas 24; Nays 7.

Yeas:

Messrs.:	Givhan	Lybrand	Pierce
Branyon	Hammond	Malone	Register
Clark	Horne	Noonan	Shelby
Cooper	Jones	O'Bannon	Weaver
Dozier	Lindsey	Owen	Wilder
Fine	Littleton	Pelham	Wilson
Foshee			

—24

Nays:

Messrs.:	Cook	Gilmore	King
Bailes	Dominick	Hawkins	Vacca

—7

The question was then on the amendment offered by Mr. Dominick to the substitute, as amended, for the Bill, H. B. 56, which said amendment is set out in the Journal of the Senate for the Twelfth Legislative Day.

RESOLUTION

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 40. BE IT RESOLVED BY THE SENATE that debate on H. B. 56 shall cease at 10:15 o'clock P. M. and that a vote be taken at that time on H. B. 56.

Which was adopted.

Yeas 24; Nays 10.

Yeas:

Messrs.:	Givhan	Littleton	Pierce
Branyon	Hammond	Malone	Register
Clark	Harris	Noonan	Shelby
Cooper	Horne	O'Bannon	Weaver
Dozier	Jones	Owen	Wilder
Fine	Lindsey	Pelham	Wilson
Foshee			

—24

Nays:

Messrs.:	Dominick	Hawkins	McLain
Bailes	Edington	King	Vacca
Cook	Gilmore	Lybrand	

—10

FURTHER CONSIDERATION OF H. B. 56

The Senate proceeded to further consideration of the Bill, H. B. 56. The question was on the amendment offered by Mr. Dominick to the substitute, as amended, for the Bill, H. B. 56.

On motion of Mr. Harris, said amendment was laid on the table.

Yeas 21; Nays 12.

Yeas:

Messrs.:	Foshee	Littleton	Register
Branyon	Givhan	Malone	Shelby
Clark	Harris	O'Bannon	Weaver
Cooper	Horne	Owen	Wilder
Dozier	Jones	Pelham	Wilson
Fine	Lindsey		

—21

Nays:

Messrs.:	Edington	King	Noonan
Bailes	Gilmore	Lybrand	Pierce
Cook	Hawkins	McLain	Vacca
Dominick			

—12

Mr. Harris offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE FOR H. B. 56,
AS AMENDED

Amend Section I subsection (f) by striking the period and adding the following:

“, provided, however, that any statutory exemption existing prior to the adoption of this amendment shall not be repealed, except by subsequent legislative act, and shall remain in full force and effect.”

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham
Bailes	Fine	Lindsey	Pierce
Branyon	Foshee	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cook	Harris	Malone	Vacca
Cooper	Hawkins	Noonan	Weaver
Dominick	Horne	O'Bannon	Wilder
Dozier	Jones	Owen	Wilson

—31

Nays:

—0

Mr. Bailes moved that the Senate reconsider the vote by which said amendment was adopted by the Senate. On motion of Mr. Harris, the motion to reconsider was laid on the table.

Yeas 23; Nays 8.

Yeas:

Messrs.:	Givhan	Littleton	Pierce
Branyon	Hammond	Lybrand	Register
Clark	Harris	Malone	Shelby
Cooper	Horne	O'Bannon	Weaver
Fine	Jones	Owen	Wilder
Foshee	Lindsey	Pelham	Wilson

—23

Nays:

Messrs.:
Bailes
Cook

Dominick
Gilmore

Hawkins
King

Noonan
Vacca

—8

Mr. Harris moved that the Noonan amendment to the substitute, as amended, for the Bill, H. B. 56, said amendment having been reconsidered and postponed, be laid on the table, which motion was adopted.

Mr. Harris then offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

**AMENDMENT TO HARRIS SUBSTITUTE
FOR H. B. 56, AS AMENDED**

Amend Section 1, paragraph (d) as follows:

Add the following phrase after the word "tax" as it appears at the end of paragraph (d).

"When the tax assessor of each county shall complete the assembly of the assessment book for his county for the ad valorem tax year immediately following the adoption of this amendment and the computation of ad valorem taxes that will be paid upon such assessment, he shall certify to each authority within his county that levies an ad valorem tax the amount of ad valorem tax that will be produced by every levy in that year but excluding for this purpose any assessment of property added to the tax rolls of such county for the tax year in which such certification is made that was not included on the tax rolls for the next preceding tax year. If it shall appear that the estimated ad valorem tax receipts from any levy so estimated shall be less than the receipts from the same levy during the next preceding ad valorem tax year, then the levying authority shall increase each tax rate by such millage as is necessary to produce revenue that is not less than and that is substantially equal to that received during such immediately preceding tax year. It is further provided that any and all millage adjustments shall be made in increments of not less than ½ mill. The adjustment herein required shall be made only one time and shall be made in the ad valorem tax year immediately following the adoption of this amendment."

Which was adopted.

Mr. Harris then offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

**AMENDMENT TO HARRIS SUBSTITUTE
AS AMENDED FOR H. B. 56**

Amend Section 1, "Section 217 (a)." of Harris substitute for H. B. 56 by deleting said section and inserting in lieu thereof the following:

"Section 217 (a). All taxable property within this State, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities,

Class II. All property not otherwise classified,

Class III. All agricultural, forest and residential property."

Further amend Harris substitute for H. B. 56, "Section 217 (b)" by deleting said section and inserting in lieu thereof the following:

"(b) With respect to ad valorem taxes levied by the State, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value of such property:

Class I. 30 percentum

Class II. 25 percentum

Class III. 15 percentum"

Which was adopted.

Yeas 24; Nays 9.

Yeas:

Messrs.:	Gilmore	King	Pelham	
Bailes	Givhan	Lindsey	Register	
Clark	Hammond	Littleton	Shelby	
Cook	Harris	Lybrand	Vacca	
Cooper	Horne	Noonan	Wilder	
Dozier	Jones	O'Bannon	Wilson	
Edington				—24

Nays:

Messrs.:	Fine	McLain	Owen	
Branyon	Foshee	Malone	Weaver	
Dominick	Hawkins			—9

Mr. Harris then offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE, AS AMENDED, FOR HOUSE BILL 56

Amend Section One by deleting the sub-paragraph designated as "217 (c)" and substituting therefor the following:

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein, provided, however, that the Legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (b) herein, and provided, further, that the Legislature may fix a uniform ratio of assessment of all property within a county defined in paragraph (a) herein as Class II and III and may fix a different ratio of assessment for property defined in paragraph (a) as Class I. Such ratios as herein authorized may vary among counties so long as each such ratio is uniform within a county.

No class of property shall have a ratio of assessed value to fair and reasonable market value of less than 15 percentum nor more than 35 percentum.

On motion of Mr. Dominick, said amendment was laid on the table.

Yeas 19; Nays 12.

Yeas:

Messrs.:	Fine	Jones	Noonan
Branyon	Foshee	Lindsey	O'Bannon
Cooper	Givhan	Littleton	Owen
Dominick	Hammond	McLain	Pelham
Dozier	Horne	Malone	Weaver

—19

Nays:

Messrs.:	Gilmore	Pierce	Vacca
Bailes	Harris	Register	Wilder
Clark	King	Shelby	Wilson
Cook			

—12

Mr. Pelham offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE,
AS AMENDED, FOR H. B. 56

Amend Section 1 by deleting therefrom Section 217 (c) and substituting therefor the following:

“(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein. Provided, however, that the Legislature may fix a uniform ratio of assessment of all property within a county, but such uniform ratio of assessment shall in no event be fixed at higher than 30% and such uniform ratios herein authorized may vary among counties so long as each such ratio is uniform within a county exclusive of utility property and provided that utility property shall be assessed at 30% and not higher than 35% of the fair and reasonable market value of such property. And provided further that any uniform ratio of assessment of all property within a county fixed and established in the Enabling Act for this amendment adopted at the 3rd Special Session of 1971 of the Alabama Legislature shall continue in effect in each county therein named until changed by Act of the Legislature.”

Mr. Harris moved that said amendment be laid on the table, which motion was lost.

Yeas 16; Nays 17.

Yeas:

Messrs.:	Harris	Lybrand	O'Bannon
Bailes	Jones	McLain	Pierce
Cook	King	Malone	Shelby
Dominick	Lindsey	Noonan	Wilder
Edington			

—16

Nays:

Messrs.:	Fine	Hawkins	Pelham
Branyon	Foshee	Horne	Register
Clark	Gilmore	Littleton	Weaver
Cooper	Givhan	Owen	Wilson
Dozier	Hammond		

—17

And said amendment was then adopted by the Senate.

Yeas 19; Nays 14.

Yeas:

Messrs.:	Fine	Horne	Pierce
Branyon	Foshee	Lindsey	Register
Clark	Gilmore	Littleton	Shelby
Cooper	Givhan	Owen	Weaver
Dozier	Hammond	Pelham	Wilson

—19

Nays:

Messrs.:	Edington	Lybrand	O'Bannon
Bailes	Harris	McLain	Vacca
Cook	Jones	Malone	Wilder
Dominick	King	Noonan	

—14

Mr. Bailes offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR H. B. 56

Amend Section 1 by adding at the end of the sub-paragraph designated as "217(c)" the following:

"The ratios of assessed value to the fair and reasonable market value, ~~shall, with respect to ad valorem taxes~~ levied by counties, municipalities or other taxing authorities, be subject to the following limitations: No class of property shall have a ratio of assessed value to fair and reasonable market value of less than 15 percentum, and no class of property shall have a ratio of assessed value to fair and reasonable market value of more than 30 per centum."

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 19; Nays 15.

Yeas:

Messrs.:	Dozier	Horne	Owen
Branyon	Fine	Jones	Pelham
Clark	Foshee	Lindsey	Shelby
Cooper	Givhan	Littleton	Weaver
Dominick	Hammond	O'Bannon	Wilson

—19

Nays:

Messrs.:	Gilmore	Lybrand	Pierce
Bailes	Harris	McLain	Register
Cook	Hawkins	Malone	Vacca
Edington	King	Noonan	Wilder

—15

Mr. Bailes then offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE, AS AMENDED, FOR H. B. 56

Amend Section 1 of the Harris Substitute for Finance and Taxation Committee Substitute for H. B. 56 by striking paragraph (c) in its entirety and substituting in lieu thereof the following:

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratio of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein, provided that the Legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (b) herein to a ratio that is not less than the ratio for that class of property as fixed in paragraph (b) herein and not more than thirty (30) percentum, and provided, further, that the Legislature may fix a uniform ratio of assessment of all property within a county exclusive of utility property, provided that such uniform ratio of assessment shall not be less than fifteen (15) percentum nor more than thirty (30) percentum. Such ratios as herein authorized may vary among counties so long as each such ratio is uniform within a county.

On motion of Mr. Cooper, said amendment was laid on the table.

Yeas 16; Nays 15.

Yeas:

Messrs.:	Fine	Horne	Owen
Branyon	Foshee	Jones	Pelham
Clark	Givhan	Lindsey	Register
Cooper	Hammond	Littleton	Shelby
Dozier			

—16

Nays:

Messrs.:	Edington	King	O'Bannon
Bailes	Gilmore	Lybrand	Pierce
Cook	Harris	McLain	Vacca
Dominick	Hawkins	Noonan	Wilder

—15

Mr. Bailes then offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

**AMENDMENT TO HARRIS SUBSTITUTE,
AS AMENDED, FOR H. B. 56**

Amend Section 1 by adding at the end of the sub-paragraph designated as "217(c)" the following:

"The ratios of assessed value to the fair and reasonable market value, shall, with respect to ad valorem taxes levied by counties, municipalities or other taxing authorities, be subject to the following limitations: No class of property shall have a ratio of assessed value to fair and reasonable market value of less than 15 percentum, and no class of property shall have a ratio of assessed value to fair and reasonable market value of more than 30 percentum; and provided that utility property shall be assessed at 30% of the fair and reasonable market value of such property."

On motion of Mr. Cooper, said amendment was laid on the table.

Yeas 17; Nays 14.

Yeas:

Messrs.:	Clark	Dozier	Foshee
Branyon	Cooper	Fine	Givhan

Hammond	Littleton	Register	Weaver	
Horne	Owen	Shelby	Wilson	
Lindsey	Pelham			—17

Nays:

Messrs.:	Edington	King	Pierce	
Bailes	Gilmore	Malone	Vacca	
Cook	Hawkins	Noonan	Wilder	
Dominick	Jones	O'Bannon		—14

Mr. Bailes then offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

**AMENDMENT TO HARRIS SUBSTITUTE,
AS AMENDED, FOR H. B. 56**

Amend Section one by adding at the end of the sub-paragraph designated as "217(c)" the following:

"Ratios of assessed value to the fair and reasonable market value, wherever property is divided into more than one class, shall, with respect to ad valorem taxes levied by counties, municipalities or other taxing authorities, be subject to the following limitations: No class of property shall have a ratio of assessed value to fair and reasonable market value of less than 15 percentum, and in no event shall the highest assessment ratio borne by any class of property be more than twice as high as the lowest assessment ratio borne by any other class of property."

On motion of Mr. Cooper, said amendment was laid on the table.

Yeas 17; Nays 14.

Yeas:

Messrs.:	Fine	Lindsey	Register	
Branyon	Foshee	Littleton	Shelby	
Clark	Givhan	Owen	Weaver	
Cooper	Hammond	Pelham	Wilson	
Dozier	Horne			—17

Nays:

Messrs.:	Edington	Lybrand	Pierce	
Bailes	Harris	Malone	Vacca	
Cook	Jones	Noonan	Wilder	
Dominick	King	O'Bannon		—14

Mr. Bailes then offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

**AMENDMENT TO HARRIS SUBSTITUTE,
AS AMENDED, FOR H. B. 56**

Amend Section 1 by deleting therefrom Section 217 (c) and substituting therefor the following:

"(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the ratio of 30% of fair and reasonable market value; provided that the Legislature may provide that all property in a county shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same

ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein, or the Legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (a) herein, and provided, further, that the Legislature may fix a uniform ratio of assessment of all property within a county at a ratio not exceeding 30% of fair and reasonable market value; and provided that utility property shall be assessed at 30% of the fair and reasonable market value of such property. Such ratios as herein authorized may vary among counties so long as each such ratio is uniform within a county."

On motion of Mr. Cooper, said amendment was laid on the table.

Yeas 18; Nays 11.

Yeas:

Messrs.:	Fine	Lindsey	Shelby	
Branyon	Foshee	Littleton	Weaver	
Clark	Givhan	Owen	Wilder	
Cooper	Hammond	Pelham	Wilson	
Dozier	Horne	Register		—18

Nays:

Messrs.:	Dominick	Hawkins	Noonan	
Bailes	Edington	Jones	O'Bannon	
Cook	Gilmore	King	Vacca	—11

Mr. Bailes then offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

**AMENDMENT TO HARRIS SUBSTITUTE,
AS AMENDED, FOR H. B. 56**

Amend Section 1 by deleting therefrom Section 217 (c) and substituting therefor the following:

"(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the ratio of 30% of fair and reasonable market value; provided that the Legislature may provide that all property in a county shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein, or the Legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (a) herein, and provided, further, that the Legislature may fix a uniform ratio of assessment of all property within a county at a ratio not exceeding 25% of fair and reasonable market value provided that utility property shall be assessed at a ratio of 30% of the fair and reasonable market value of such property and all other property at a different ratio that is uniform as to all other property. Such ratios as herein authorized may vary among counties so long as each such ratio is uniform within a county."

On motion of Mr. Cooper, said amendment was laid on the table.

Yeas 17; Nays 9.

Yeas:

Messrs.:	Clark	Dozier	Fine
Branyon	Cooper	Edington	Foshee

Givhan	Littleton	Pierce	Shelby	
Horne	Owen	Register	Wilson	
Lindsey	Pelham			—17

Nays:

Messrs.:	Dominick	Jones	O'Bannon	
Bailes	Gilmore	King	Vacca	
Cook	Hawkins			—9

Mr. Bailes then offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE,
AS AMENDED, FOR H. B. 56

Amend Section 1 by deleting therefrom Section 217 (c) and substituting therefor the following:

"(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the ratio of 30% of fair and reasonable market value; provided that the Legislature may provide that all property in a county shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein, or the Legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (a) herein, and provided, further, that the Legislature may fix a uniform ratio of assessment of all property within a county at a ratio not exceeding 30% of fair and reasonable market value provided that utility property shall be assessed at a ratio of 30% of the fair and reasonable market value of such property and all other property at a different ratio that is uniform as to all other property. Such ratios as herein authorized may vary among counties so long as each such ratio is uniform within a county."

On motion of Mr. Cooper, said amendment was laid on the table.

Yeas 16; Nays 9.

Yeas:

Messrs.:	Fine	Lindsey	Register	
Branyon	Foshcc	Littleton	Shelby	
Clark	Givhan	Owen	Wilder	
Cooper	Horne	Pelham	Wilson	
Dozier				—16

Nays:

Messrs.:	Dominick	Hawkins	Noonan	
Bailes	Edington	King	Vacca	
Cook	Gilmore			—9

Mr. Dominick offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE,
AS AMENDED, FOR H. B. 56

Amend Section 217 (c) by striking therefrom the words:

"provided that the Legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as

defined by paragraph (b) herein, and provided, further,"

and substituting in lieu thereof the word "provided".

On motion of Mr. Cooper, said amendment was laid on the table.

Yeas 15; Nays 13.

Yeas:

Messrs.:	Fine	Horne	Pelham
Branyon	Foshee	Lindsey	Register
Cooper	Givhan	Littleton	Shelby
Dozier	Hammond	Owen	Wilson

—15

Nays:

Messrs.:	Edington	King	O'Bannon
Bailes	Gilmore	Lybrand	Pierce
Cook	Hawkins	Noonan	Vacca
Dominick	Jones		

—13

Mr. Pelham moved that the Senate reconsider the vote by which his amendment to the substitute, as amended, for the Bill, H. B. 56, was adopted, and the Senate did reconsider said vote.

On motion of Mr. Pelham, said amendment was then laid on the table.

Mr. Dominick then offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE, AS AMENDED, FOR H. B. 56

Amend Section 1 by deleting therefrom Section 217 (c) and substituting therefor the following:

"(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein. Provided, however, that the Legislature may fix a uniform ratio of assessment of all property within a county, but such uniform ratio of assessment shall in no event be fixed at higher than 30% and such uniform ratios herein authorized may vary among counties so long as each such ratio is uniform within a county and provided that utility property shall be assessed at 30% of the fair and reasonable market value of such property. And provided further that any uniform ratio of assessment of all property within a county fixed and established in the Enabling Act for this amendment adopted at the 3rd Special Session of 1971 of the Alabama Legislature shall continue in effect in each county therein named until changed by Act of the Legislature."

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 17; Nays 11.

Yeas:

Messrs.:	Cooper	Foshee	Harris
Branyon	Dozier	Givhan	Horne
Clark	Fine	Hammond	Lindsey

Littleton	Register	Weaver	Wilder	
Pelham	Shelby			—17

Nays:

Messrs.:	Dominick	Hawkins	Noonan	
Bailes	Edington	Jones	Pierce	
Cook	Gilmore	King	Vacca	—11

Mr. Dominick then offered the following substitute for the Harris substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT FOR HARRIS SUBSTITUTE,
AS AMENDED, FOR H. B. 56

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to Article XI, Section 217 of the Constitution of Alabama 1901 relative to ad valorem taxation; providing for the assessment of taxable property for ad valorem tax purposes according to a classification of property with respect to ad valorem taxes levied by the State, and providing alternate methods of assessment of taxable property with respect to ad valorem taxes levied by any taxing authority other than the State.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article XI, Section 217 of the Constitution of Alabama 1901 is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"Section 217(a). All taxable property within this State, not exempt by law, shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes at the ratio of 25 percentum of assessed value to the fair and reasonable market value of such property.

(b) A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax.

(c) A county, municipality, or other taxing authority may levy an ad valorem tax or increase any ad valorem tax rate, only if the proposed levy or increase shall have been (1) proposed by the authority having power to levy the tax after a public hearing on such proposal, (2) thereafter approved by an act of the Legislature, and (3) subsequently approved by a majority vote of the qualified electors of the area in which the tax is to be levied or increased who vote on the proposal.

(d) The Legislature is authorized to enact legislation to implement the provisions of this amendment, and may provide for exemptions from taxation.

(e) Any provision of the Constitution of Alabama to the contrary notwithstanding, ad valorem taxes shall never exceed 1½% of the

fair and reasonable market value of the property in any one taxable year.

(f) The following property shall be exempt from all ad valorem taxation: The real and personal property of the state, counties and municipalities and property devoted exclusively to religious, educational or charitable purposes.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article XVIII, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

On motion of Mr. Harris, said substitute was laid on the table.

Yeas 19; Nays 12.

Yeas:

Messrs.:	Fine	Horne	Register
Branyon	Foshee	Lindsey	Shelby
Clark	Givhan	Littleton	Weaver
Cooper	Hammond	Owen	Wilder
Dozier	Harris	Pelham	Wilson

—19

Nays:

Messrs.:	Gilmore	King	O'Bannon
Bailes	Hawkins	Lybrand	Pierce
Cook	Jones	Noonan	Vacca
Dominick			

—12

Mr. Harris then offered the following amendment to the substitute, as amended, for the Bill, H. B. 56, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE, AS AMENDED, FOR H. B. 56

Amend Section One by deleting the sub-paragraph designated as "217 (c)" and substituting therefor the following:

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein, provided, however, that the Legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (b) herein, and provided, further, that the Legislature may fix a uniform ratio of assessment of all property within a county defined in paragraph (a) herein as Class II and III and may fix a different ratio of assessment for property defined in paragraph (a) as Class I. Such ratios as herein authorized

may vary among counties so long as each such ratio is uniform within a county.

No class of property shall have a ratio of assessed value to fair and reasonable market value of less than 15 percentum nor more than 35 percentum.

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 56, was then adopted by the Senate.

Yeas 29; Nays 2.

Yeas:

Messrs.:	Foshee	Lindsey	Pelham	
Bailes	Gilmore	Littleton	Pierce	
Branyon	Givhan	Lybrand	Register	
Clark	Harris	Malone	Shelby	
Cook	Hawkins	Noonan	Weaver	
Cooper	Horne	O'Bannon	Wilder	
Dominick	Jones	Owen	Wilson	
Edington	King			—29

Nays: Messrs. Fine, McLain —2

Mr. Harris requested unanimous consent that the reading at length of the Bill, H. B. 56, as thus amended by the substitute, be dispensed with. Upon objection, the Secretary proceeded to read the Bill, H. B. 56, at length.

ADJOURNMENT

At 11:40 P. M., Mr. Lybrand moved that the Senate adjourn until Sunday, January 9, 1972, at 12:01 A. M.

Mr. Bailes moved as a substitute motion that the Senate adjourn until Tuesday, January 11, 1972, at 2 o'clock P. M., which motion was lost.

Yeas 6; Nays 25.

Yeas:

Messrs.:	Cook	Gilmore	Vacca	
Bailes	Dominick	King		—6

Nays:

Messrs.:	Foshee	Littleton	Owen	
Branyon	Givhan	Lybrand	Pelham	
Clark	Hammond	McLain	Pierce	
Cooper	Harris	Malone	Register	
Dozier	Horne	Noonan	Wilder	
Edington	Jones	O'Bannon	Wilson	
Fine	Lindsey			—25

The question recurred on the motion of Mr. Lybrand, which was adopted, and at 11:45 P. M., the Senate adjourned, pending further consideration of the Bill, H. B. 56, until Sunday, January 9, 1972, at 12:01 A. M.

Yeas 22; Nays 10.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Branyon	Foshee	Littleton	Register	
Clark	Givhan	Lybrand	Shelby	
Cooper	Harris	McLain	Wilder	
Dozier	Horne	Noonan	Wilson	
Edington	Jones	Owen		—22

Nays:

Messrs.:	Dominick	Hawkins	Vacca	
Bailes	Gilmore	King	Weaver	
Cook	Hammond	Pierce		—10

FOURTEENTH LEGISLATIVE DAY

SUNDAY, JANUARY 9, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Miss Barbara Cornelius, Senate Clerk, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Fine	King	Pelham	
Bailes	Foshee	Lindsey	Pierce	
Branyon	Gilmore	Littleton	Register	
Clark	Givhan	Lybrand	Shelby	
Cook	Hammond	McLain	Vacca	
Cooper	Harris	Malone	Weaver	
Dominick	Hawkins	Noonan	Wilder	
Dozier	Horne	O'Bannon	Wilson	
Edington	Jones	Owen		—34

JOURNAL

On motion of Mr. Pelham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing was concurred in and the Journal of the Senate for the Thirteenth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Pelham, leave of absence was granted Mr. Carr for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Bailes:

S. 167. To amend Section 1 of Act No. 502, S. 56, Regular Session 1967, (Acts 1967, Vol II. p. 1215), which relates to the assessment rate of all taxable property within this state.

Committee on Finance and Taxation.

By Mr. Bailes:

S. 168. To authorize the State of Alabama, Department of Conservation, Division of State Parks, Monuments and Historical Sites, to enter into contracts with persons, firms or corporations to operate concessions within state park areas, said concession contracts to be awarded on a competitive bid basis; to provide for negotiated concession contracts in particular instances; and to provide for cancellation of said concession contracts.

Committee on Commerce, Transportation
and Common Carriers.

REPORTS OF COMMITTEES

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Gilmore, Vacca, Dominick, Bailes, Cook, Hawkins and King:

S. 164. To authorize and direct the State of Alabama to pay from the revenue received from the State Sales and Use Tax and into the General Fund of each County which has a population in excess of five hundred thousand (500,000) according to the last or any subsequent federal census, an amount equal to two percent (2%) of the face value of the food stamps issued in each such County under the United States Food Stamp Program.

RESOLUTIONS

Mr. Bailes offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be hereby established a permanent standing legislative committee on Standards of Official Conduct in each house of the Legislature. The committee in the Senate shall consist of five senators appointed by the presiding officer of the Senate, and the committee in the House of Representatives shall consist of seven members of the House of Representatives appointed by the Speaker.

(A) Each of the committees, hereby established, shall be invested with the following specific powers:

1. To have referred to them measures relating to a code of official conduct or amendments thereto, together with any measures relating to financial disclosures required by members of the respective houses.

2. To recommend to the respective houses of the legislature, from time to time, such legislative or administrative actions as the committee may deem appropriate to establish and enforce standards of official conduct for members of the respective houses.

3. To investigate, subject to limitations herein recommended, any alleged violations by a member of the respective house, of the code of official conduct for such house, or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such member in the performance of his official duties or the discharge of his responsibilities as a legislator, and, after notice and a hearing, at which the accused member must be given the opportunity to appear with counsel and present evidence and cross examine witnesses appearing against him to recommend to the respective house, by resolution or otherwise, such action and the procedure for such action as the committee may deem appropriate in the circumstances.

4. To give consideration to the request of a member of the respective houses for an advisory opinion with respect to the general propriety of any current or proposed conduct of a member, and, with appropriate deletions to assure the privacy of the individual concerned, to publish such opinions for the guidance of other members.

(B) The following limitations are hereby placed on the authority of each of such committees:

1. No resolution, report, recommendation or advisory opinion relating to the official conduct of a member of the house of the legislature involved shall be made, and no investigation of such conduct shall be undertaken, unless approved by an affirmative vote of the majority of the members of the committee.

2. Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual member only (a) upon receipt of a complaint in writing, made by a member of the respective house and delivered to the committee by the member making such complaint, or (b) upon receipt of a complaint from an individual non-legislator, in writing and under oath, submitted to a member of the house as to which the complaint relates and transmitted to a committee by a member of the house to which the complaint relates, or (c) upon receipt of a complaint, in writing and under oath, directly from an individual not a member of either house of the legislature if the committee finds that such complaint has been submitted by such individual to no less than two members of that house as to which the complaint relates which members must be fully identified by the complaining party and where such members have refused to transmit such complaint to the committee.

3. No investigation shall be undertaken of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation.

4. A member of the committee shall be ineligible to participate as a member of the committee, in any committee proceeding relating to his official conduct. In any case in which a member of the committee is ineligible to act as a member of the committee under the preceding

sentence, the presiding officer of the respective house shall designate a member of that house to act as a member of the committee in any committee proceeding relating to the official conduct of such ineligible member.

(C) FURTHER RESOLVED That a Code of Official Conduct for Legislators, as follows, is hereby established:

1. A member of the Legislature of Alabama shall conduct himself at all times in a manner which will reflect creditably on the Legislature of Alabama.

2. Every member of the Legislature of Alabama shall adhere to the spirit and letter of the rules of the respective houses of the Legislature of Alabama and to the rules of duly constituted committees thereof, including committees on Standards of Official Conduct.

3. No member of the Legislature of Alabama shall receive any compensation nor shall he permit any compensation to accrue to his beneficial interest, the receipt of which would occur by virtue of influence exerted from his position in the Legislature and where such compensation is to any degree conditioned upon such exertion of influence.

4. No member of the Legislature shall knowingly solicit, accept or receive any gift, thing of economic value, or compensation other than that to which he is entitled from the State, which is intended to influence the performance of his official duties or which would influence the performance of his official duties nor shall any member solicit, accept or receive such gift, thing of economic value, or compensation for advocating the passage or defeat of any legislation or for doing any act intended to influence the passage or defeat of legislation, including his vote thereon. No member of the Legislature shall accept any gift or thing of substantial economic value, directly or indirectly, from any person, organization or corporation having a direct interest in legislation before the Legislature of Alabama.

Gift, as used in this section shall include any thing of economic value with the exception of public awards, insignificant nonpecuniary gifts or compensation or gifts not connected with or related to either the legislative processes or the donee's services as a member of the Legislature, nor shall gift or thing of economic value mean any food, drink or refreshments consumed by any official, including reasonable transportation and entertainment incident thereto while a personal guest of the person providing such.

5. No member of the Legislature shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority, nor shall a member of the Legislature use confidential information acquired by him in the course of his official duties to further his personal interests.

6. If a member of the Legislature shall receive any compensation, or enter into any agreement with any person, organization or corporation or other entity for compensation for services rendered or to be rendered, for assisting such entity in any way in any transaction involving the State of Alabama or any of its officials, agencies or departments, including representation in hearings before State agencies, boards, or commissions, but excluding all courts, he shall, within thirty days after the receipt of such compensation or entry into an agreement for the receipt of such compensation, file with the Committee on Standards of Official Conduct of the respective house of the Legislature of which he is a member, a written statement describing such repre-

sentation as required by that part of the Code of Official Conduct for legislators relating to financial disclosures.

(D) **RESOLVED FURTHER** That, in addition to complying with the above prescribed Code of Official Conduct, each member of the legislature shall, within 30 days of the adoption of this resolution, or not later than April 30 following the date of their election if they are elected in a general election year, or within four (4) months following their election other than in a general election, and each year thereafter during their term of office not later than April 30, file with the Committee on Standards of Official Conduct of the respective house of the Legislature a report disclosing certain financial interests as described below. The interest of a spouse or any other party, if constructively controlled by the person reporting, shall be considered to be the same as the interest of the person reporting. The report shall be in two parts, hereinafter designated Part "A" and Part "B".

PART "A"

1. List the name, instrument of ownership, and any position of employment held in any business entity doing business with the State of Alabama or any of its agencies or departments where the gross receipts for products, goods or services sold, furnished or supplied by such business entity to the State of Alabama or any of its agencies or departments, exceeds \$5,000 in any one calendar year, where the ownership by the legislator in such business entity is in excess of \$3,000 as of the date of filing, or where the legislator received \$1,000 or more as income from such business during the preceding calendar year. Do not list any time or demand deposit in a financial institution or any debt instrument having a fixed yield unless it is convertible to an equity interest.

2. List the name, address and type of practice of any professional organization in which the person reporting, or his spouse, is an officer, director or partner, or serves in any advisory capacity, from which income of \$1,000 or more was received during the preceding calendar year.

(i) If the professional organization in which the person reporting or his spouse is the owner, or an officer, director or partner, or serves in any advisory capacity, has, during the preceding calendar year, received any compensation or entered into any agreement whereby compensation would be received, for services rendered or to be rendered, as a retainer, or other wise, from any trade organization, association or professional association, or from any person, firm or corporation whose regular business activities, as distinguished from mere licensing to do business, is subject to regulation and examination by a regulatory agency of the State of Alabama, and where such compensation to such professional organization during the preceding calendar year from any such trade organization, association or professional association, or corporation or other business entity exceeded or will, pursuant to an agreement for services to be rendered exceed the sum of \$1,000, then the person so reporting shall list the name and address of such trade organization, association, professional association, corporation or other business entity.

(ii) List the source of each of the following items received during the preceding calendar year, or which by existing agreement it is anticipated will be received during a current calendar year:

(a) Any income for services rendered exceeding \$5,000.

(b) Any capital gain of a single source exceeding \$2,000 other than from the sale of a residence occupied by the person reporting. Information filed under Part "A" shall be maintained by the Committee

on Standards of Official Conduct and made available at reasonable hours to responsible public inquiry, subject to such regulations as the committee may prescribe, including, but not limited to, regulations requiring identification by name, occupation, address and telephone number of each person examining information filed under Part "A" and regulations requiring the committee promptly to notify each legislator of each instance of an examination of information filed under Part "A" by such member.

PART "B"

1. Any member of the Legislature who shall receive any compensation or enter into any agreement with any person, firm or corporation or other business entity for compensation for services rendered or to be rendered, for assisting any such person, firm or corporation or other business entity in any way in any transaction involving the State of Alabama or any of its officials, agencies or departments, shall be required to disclose such under Paragraph 6 of the Code of Official Conduct for Legislators, and he shall file with the Committee on Standards of Official Conduct within thirty days after the receipt of such compensation, or entry into agreement for such compensation a statement, in writing, disclosing the following: (1) The name and address of the person, firm or corporation or other business entity from which such compensation has been or will be received; (2) Whether or not the compensation so received, or contracted to be received, exceeds \$100 if the precise amount of such compensation has been fixed, and if not, state the basis on which such compensation is to be computed; and (3) The identification of the state agency, board or commission or official before whom the legislator will appear or with whom the legislator will deal in any transaction for the compensation so paid or to be paid to him. No specific form for the disclosure of the foregoing information is required, but a letter containing the required information shall be sufficient. Such information filed under this Part "B" shall be maintained by the Committee on Standards of Official Conduct, and made available to responsible public inquiry in the same manner and upon the same conditions as the disclosures required in Part "A" hereof.

Which was read and referred to the Standing Committee on Rules.

Mr. Bailes offered the following Senate Joint Resolution, to-wit:

S. J. R. 42. CALLING UPON THE CHAIRMAN OF THE BUILDING COMMISSION TO CALL A MEETING BEFORE DECEMBER 1, 1971

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the Chairman of the Building Commission is called upon to call a meeting of said Commission before December 1, 1971.

Whereas, New construction contracts are being executed in the name of the state for new schools, hospitals, mental health facilities and other publicly owned buildings and

Whereas, Under the law of Alabama the Building Commission of the state of Alabama is charged with the supervision of all construction of state owned buildings and

Whereas, There has been no meeting of the State Building Commission since February 1971 and the Building Commission is required to meet at least once every quarter

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a

meeting of the Building Commission be directed to be called under the terms of the law by giving three days actual notice to the members of said committee.

Which was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 56. Proposing an amendment to Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; establishing a classification system of property taxation; fixing assessment rates for each class of property.

as amended by the substitute.

The Secretary completed the reading at length as required by the Constitution, and said Bill, H. B. 56, as amended, was passed by the Senate.

Yeas 22; Nays 11.

Yeas:

Messrs.:	Givhan	Littleton	Pierce	
Branyon	Hammond	Lybrand	Register	
Clark	Harris	Malone	Shelby	
Cooper	Horne	O'Bannon	Wilder	
Dozier	Jones	Owen	Wilson	
Foshee	Lindsey	Pelham		—22

Nays:

Messrs.:	Dominick	Hawkins	Noonan	
Bailes	Fine	King	Vacca	
Cook	Gilmore	McLain	Weaver	
				—11

Mr. Harris moved that the Senate reconsider the vote by which the Bill, H. B. 56, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Yeas 22; Nays 10.

Yeas:

Messrs.:	Givhan	Littleton	Register	
Branyon	Hammond	Lybrand	Shelby	
Clark	Harris	O'Bannon	Weaver	
Cooper	Horne	Owen	Wilder	
Dozier	Jones	Pelham	Wilson	
Foshee	Lindsey	Pierce		—22

Nays:

Messrs.:	Dominick	Gilmore	McLain	
Bailes	Edgington	Hawkins	Vacca	
Cook	Fine	King		—10

The Bill:

H. 57. To amend Title 51, Section 15, Code of Alabama 1940, so as to provide a homestead exemption from all state and county ad

valorem taxes not to exceed two thousand dollars (\$2,000) in assessed value for state tax purposes and one thousand dollars (\$1,000) in assessed value for county tax purposes nor one hundred eighty acres in area; to amend Title 51, Section 17, Code of Alabama 1940, so as to establish a classification system of property taxation and fix assessment rates for each class of property; to amend Title 51, Section 2(m), Code of Alabama 1940, so as to exempt manufactured articles in the hands of the manufacturer for twelve months; to amend Title 51, Section 2 to provide for exemption from ad valorem taxation of farming tools and farm implements, all personal property (other than motor vehicles, trailers and semi-trailers) not used in a trade or business or for the production of income, and stocks of goods, wares and merchandise to the value of thirty thousand dollars; to amend Title 51, Section 704, Code of Alabama 1940, providing for the assessment and collection of ad valorem taxes on motor vehicles; to provide for the severability of the provisions of this act; to repeal all laws or parts of laws in conflict with this act; and to provide when this act shall become effective.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, to-wit:

COMMITTEE SUBSTITUTE FOR HOUSE BILL 57

A BILL TO BE ENTITLED AN ACT

To amend Title 51, Section 17, Code of Alabama 1940, so as to establish a classification system of property taxation with respect to all real and personal property of public utilities used in the business of the utility, and as to ad valorem taxes levied by the State, all other property, and fix assessment rates for each class of property; to amend Title 51, Section 2(m), Code of Alabama 1940, so as to exempt manufactured articles in the hands of the manufacturer for twelve months; to amend Title 51, Section 2(q), Code of Alabama 1940, so as to exempt all household furniture, fixtures and personal effects and to add to Section 2 as Subsection (t) the following: "Inventories of goods, wares and merchandise held for sale in a regular course of business in an amount not to exceed ten thousand dollars (\$10,000) in assessed value"; to amend Title 51, Section 704, Code of Alabama 1940, providing for the assessment and collection of ad valorem taxes on motor vehicles; to provide for the severability of the provisions of this act; to repeal all laws or parts of laws in conflict with this act; and to provide when this act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 51, Section 17, Code of Alabama 1940, is hereby amended to read as follows:

Section 17(a). All real and personal property of public utilities, used in the business of the utility shall be assessed for the purpose of ad valorem taxes levied by the State and ad valorem taxes levied by any county, municipality or other taxing authority at thirty per cent of its fair and reasonable market value.

(b) For the purpose of computing ad valorem taxes levied by the State, all taxable property other than that assessed as utility property used in the business of the utility, shall be divided into the following

classes and shall be assessed or valued for State ad valorem taxation at the following percentages of the fair and reasonable market value of such property:

Class I. All farm lands, including lands reserved for reforestation, and all real property devoted to residential use, fifteen per cent.

Class II. All other property, twenty per cent.

(c) For the purpose of computing ad valorem taxes levied by any county, municipality or other taxing authority, other than the State, except as may be otherwise specifically provided by law with respect to motor vehicles, all taxable property other than that assessed as utility property used in the business of the utility, shall be assessed or valued as provided by the Constitution, or as may otherwise be provided as to any county in accordance with constitutional limitations by the Legislature.

(d) The term "farm land", as used herein means any land of more than five acres in area used in the production of any one or more farm products for sale as a regular course of business or for use in the production of any farm product for use or consumption in the operation of a farm or in the production of a farm product for sale, but shall not include any land on which a processing facility is located except one of a kind customarily owned and used by farmers in the preparation for market of the farm products produced by them. The term "farm product", as used herein means any plant or animal of commercial value which is grown in or on the land, or in a body of water on the land, and any natural product obtained from any such plant or animal.

Section 3. Title 51, Section 2, as amended, Code of Alabama 1940, is hereby further amended to read as follows:

Section 2. Persons and property—The following property and persons shall be exempt from ad valorem taxation and none other:

(a) All bonds of the United States and this state, and all county and municipal bonds issued by counties and municipalities in this state, all property, real and personal, of the United states and this state, and of county and municipal corporations in this state; all cemeteries; all property, real and personal, used exclusively for religious worship, for schools or for purposes purely charitable; provided, however, property, real or personal, owned by any educational, religious or charitable institutions, society or corporation, let for rent or hier or for use for business purposes, shall not be exempt from taxation, notwithstanding the income from such property shall be used exclusively for education, religious or charitable purposes; all mortgages, together with the notes, debts, and credits secured thereby on real and personal property situated in this state, which mortgages have been filed for record and the privilege tax paid thereon; all security agreements and security interests under the Uniform Commercial Code, to gether with the notes, debts, and credits secured thereby; all money on deposit in any bank or banking institution and all other solvent credits; all warrants issued by county boards of education and city boards of education for the purpose of erecting, repairing, furnishing school buildings or for other school purposes, are exempt from taxation.

(b) (1) All property, real or personal used exclusively for hospital purposes, to the amount of seventy-five thousand dollars, where such hospitals maintain wards for charity patients, or give treatment to such patients provided that the treatment of charity patients constitutes at least fifteen percent of the business of such hospitals, provided further that such hospital need not be assessed for taxation if the owner or manager shall file with the county tax assessor wherein such hospital

is located within the time allowed for assessing such property for taxation a certificate that such hospital has done fifteen percent charity work in the preceding tax year; and further provided that such hospital through its owner or manager shall have until the expiration of the preceding tax year to class its work and ascertain whether or not such hospital has done fifteen percent of its treatment of patients as charity work.

(b) (2) The shares of the capital stock of any corporation owning and operating a hospital, to the extent of seventy-five thousand dollars in value, are exempt from taxation, provided that said corporation maintains wards for charity patients and gives treatment to such patients, which treatment constitutes at least fifteen percent of the business of the hospital of said corporation, provided that the total exemption granted to any such corporation shall not exceed seventy-five thousand dollars taking into consideration its real and personal property and the value of its shares of capital stock.

(c) All property owned by the American Legion or by Veterans of Foreign Wars, or any post thereof; provided that such property is used and occupied exclusively by said organization.

(d) All the property of literary and scientific institutions and literary societies, when employed or used in the regular business of such institution.

(e) The libraries of ministers of the gospel, and all libraries other than those of a professional character and all religious books kept for sale by ministers of the gospel and colporteurs.

(f) The property of deaf mutes and insane persons to the extent of three thousand dollars, and the property of blind persons to the extent of twelve thousand dollars.

(g) All family portraits.

(h) All cotton, livestock or agricultural products which have been raised or grown in the state of Alabama, and which shall remain in the hands of the producer thereof, or his landlord, or in the hands of a cooperative association for all time, and for a period of one year in the hands of the purchaser or the manufacturer.

(i) All cotton, wherever grown, stored in licensed warehouses in the state of Alabama for a period not exceeding twelve months.

(j) Provisions and supplies on hand for the current year for the use of the family and the making of crops; all wearing apparel; farming tools to the value of five hundred dollars; tools and implements of mechanics to the value of two hundred dollars; all livestock, including mules, horses, cows, calves, hogs, sheep and goats, and the following property to be selected by the head of each family, namely, household and kitchen furniture not to exceed five hundred dollars and one sewing machine.

(k) No license or taxation of any character, except franchise taxes provided by section 229, of the Constitution of the state of Alabama, shall be collected or required to be paid to the state, or any county or municipality therein, by any state or county fair, agricultural association, stock, kennel or poultry show, athletic stadiums owned and controlled by universities, schools or colleges, and which are used exclusively for the purpose of promoting intercollegiate or interschool athletics. Provided that the revenue received from athletic stadiums, when admission is charged shall be used for the benefit of athletic associations of such universities, colleges or schools. Nothing contained

in this subsection shall be construed to prohibit any municipality, county or state, from imposing any license tax upon or for the privilege of engaging in the business of supplying services for hire or reward, or selling commodities other than livestock, farm products or farm implements, or conducting or operating devices or games of skill or amusements or other games or devices, or conducting or operating shows, displays or exhibits other than shows, displays, or exhibits of agricultural implements, farm products, livestock and athletic prowess.

(1) All raw material, including coke, produced during the current calendar year, when stocked at any plant or furnace, for manufacturing purposes in Alabama.

(m) All articles manufactured in Alabama, including pig iron, in the hands of the producer or manufacturer thereof, shall be exempt from taxation for twelve months after its production or manufacture.

(n) All property both real and personal owned by any unit or organization of the Alabama national guard officially recognized as such by the federal government and organized and maintained by the state, and all property owned by shares and used exclusively by and kept exclusively in the possession of any such unit or organization of the Alabama national guard, the annual rent or hire of which is not in excess of the annual state, county and municipal taxes on said property shall be exempt from taxation by the state, and the county and municipality in which the same may be situated.

(o) All poultry.

(p) The property of all incompetent veterans to the value of three thousand dollars shall be exempt from ad valorem taxation.

(q) All household furniture and fixtures and personal effects owned by an individual for personal use in the home or usually kept in the home of the owner.

(r) All property owned by the Benevolent and Protective Order of Elks, Fraternal Order of Police, Fraternal Order of Eagles, or lodge thereof, provided such property is used and occupied exclusively by such organization.

(s) All devices, identifiable parts of devices, systems or facilities constructed, used or placed in operation primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

(t) Inventories of goods, wares and merchandise held for sale in a regular course of business in an amount not to exceed ten thousand dollars in assessed value. Provided, the limitation of ten thousand dollars shall not be applicable to inventories of motor vehicles which are specifically provided for in Title 51, Section 704, as amended, Code of Alabama 1940.

Section 4. Title 51, Section 704, as amended, Code of Alabama 1940, is hereby further amended to read as follows:

Section 704. Assessment of Motor Vehicles. (a) To prevent motor vehicles within the meaning of section 692, Title 51, Code of Alabama 1940, as amended by Act No. 223, Special Session 1967, approved May 10, 1967, from escaping taxation and to provide for a more efficient assessment and collection of taxes due on same, no license shall be issued to operate a motor vehicle on the public highways of this state, nor shall any transfer be made by the probate judge as provided under this article, until the ad valorem tax on such vehicle shall have been

paid in the county for the preceding tax year, as evidenced by a receipt of the tax collector where the owner of said vehicle resides, if the vehicle is owned by an individual, or if the vehicle is owned by a firm, corporation or association, then as evidenced by the receipt of the tax collector in the county in which said motor vehicle is used or operated. Every person who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the tax assessor of the county in which he resides, and every firm or corporation that so desires to operate a motor vehicle shall first return such motor vehicle for ad valorem taxation to the tax assessor of the county from which such motor vehicle is used or operated, and the tax assessor of such county shall deliver to the person who makes the return as herein required, a certificate of assessment on a form prescribed by the department of revenue, and such certificate shall be the warrant of the tax collector to collect the tax as shown thereon. Before any vehicle can be assessed, the tax assessor shall be furnished the tag number presently on the vehicle, unless such vehicle is new and a tag therefor has never been bought, in which case the assessor shall be furnished a bona fide bill of sale from the dealer showing when the car was bought new, or in the case of a used car brought into the state from any state which provides that upon sale or transfer of a car, the tags are either surrendered to the appropriate authority or subsequently reuseable by the seller or transferor, in which case the assessor shall be furnished a bona fide certificate of title, properly assigned, showing when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tag number or bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state for the entire year for which taxes are being assessed and taxes assessed for the entire year. (b) The judge of probate upon issuing a license as herein provided shall require the applicant to surrender the receipt of the tax collector and keep same on file in his office. The license tag shall be evidence of the payment of the license and the ad valorem tax due as provided under this article. The probate judge is authorized to issue a motor vehicle license upon a certificate of the tax assessor certifying that there is no ad valorem tax on the motor vehicle due for the preceding tax year. (c) Motor vehicles brought into the state during any tax year, or new vehicles for which licenses have never been issued, sold from the stock of a dealer during any tax year, shall be subject to taxation the same as if they had been held or owned in the state on the first day of October, except that taxes thereon shall be assessed on a quarterly basis as follows: (1) Motor vehicles brought into the state or sold from stock after the first day of October of any year, but before the first day of January following, shall be subject to taxation the same as if held or owned in the state on the first day of October. (2) Motor vehicles brought into the state or sold from stock after the last day of December, but before the first day of April following, shall be subject to taxation for three quarters of the tax year. (3) Motor vehicles brought into the state or sold from stock after the last day of March, but before the first day of July following, shall be subject to tax for one-half of the tax year. (4) Motor vehicles brought into the state or sold from stock after the last day of June, but before the first day of October following, shall be subject to tax for one-fourth of the tax year. (d) The tax assessors and tax collectors of the several counties in this state in addition to assessing and collecting the ad valorem taxes due the state and counties on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities in this state. The tax collector shall report and pay over the money collected for said cities at the same time and in the same manner as state and county taxes are reported and paid over by him. Said assessors and collectors shall each receive a commission of two and one-

half percent of the amount of city taxes collected; and the tax collectors shall deduct said commission from the amount collected before paying into the city treasury, and at the same time pay over to the tax assessor commissions due him under this article. The judge of probate shall not issue a license to operate a motor vehicle on the highways of this state until all ad valorem taxes due the said state, counties and cities are paid for the preceding tax year, as shown by a receipt of the collector. (e) Motor vehicles shall not be included in any assessment made by any person, firm or corporation under the provisions of section 21 (d) of Title 51, Code of Alabama 1940, and such motor vehicles shall not be considered as escape property by reason of the failure to include the same in any tax return as of the first day of October; all motor vehicles shall be assessed and the taxes thereon shall be collected solely as herein provided. (f) In order to obtain equal and uniform assessments for the collection of ad valorem taxes on motor vehicles, the department of revenue shall on or before the third Monday of July each year adopt and distribute to each tax assessor or other officer performing the duties of tax assessor a schedule for use during the next assessment year setting the assessment value of each make and model of motor vehicle. Except as provided in subsections (g) and (h) of this section, each tax assessor or other such officer performing the duties of tax assessor shall use such schedule in fixing the assessment value of each motor vehicle assessed by him. Any tax assessor or other officer failing or refusing to use such schedule, as herein provided, shall be held liable for any deficiency of tax payment resulting from such failure or refusal. (g) An assessing officer may, in accordance with rules and regulations adopted by the commissioner of revenue, fix the assessment value of a motor vehicle, which has been substantially damaged, at a fair and reasonable amount in relation to the assessment value of an undamaged motor vehicle of the same classification as fixed in the schedule provided for in subsection (f) of this section. Provided, however, this subsection shall not apply except in those instances where the assessing officer or an employee of his office has made a personal inspection of the damaged vehicle. (h) Where a motor vehicle does not appear in the schedule furnished by the department of revenue, the assessing officer shall determine the assessment value of such motor vehicle in accordance with rules and regulations adopted and promulgated by the commissioner of revenue. (i) The provisions of this section shall apply fully to the assessment of house trailers for ad valorem taxes. (j) Wherever in this section reference is made to probate judges, tax collectors and tax assessors these terms shall also include any other official performing the duties of probate judges, tax collectors or tax assessors.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws and parts of laws in conflict with this Act shall be null and void with respect to the assessments of property for ad valorem tax purposes in any county wherein the property has been revalued at fair and reasonable market value and that fact has been certified by the commissioner of revenue but shall otherwise remain in full force and effect.

Section 7. This Act shall become effective upon the ratification and adoption of an amendment to the constitution proposed by this session of the legislature authorizing the classification of property for purposes of taxation and shall be effective with respect to each county when the property in such county has been revalued at fair and reasonable market value and that fact has been certified by the commissioner of revenue.

Mr. Harris moved that said substitute be laid on the table.

RESOLUTION

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 43. BE IT RESOLVED BY THE SENATE That debate on H. B. 57 shall cease at 1:45 o'clock A. M. and that a vote be taken at that time on H. B. 57.

Which was adopted.

Yeas 24; Nays 9.

Yeas:

Messrs.:	Givhan	Littleton	Pierce
Branyon	Hammond	Malone	Register
Clark	Harris	Noonan	Shelby
Cooper	Horne	O'Bannon	Weaver
Dozier	Jones	Owen	Wilder
Fine	Lindsey	Pelham	Wilson
Foshee			

—24

Nays:

Messrs.:	Dominick	Hawkins	McLain
Bailes	Edgington	King	Varca
Cook	Gilmore		

—9

POINT OF PERSONAL PRIVILEGE

Mr. Edgington stated that had he been present when the vote was taken on final passage of the Bill, H. B. 56, he would have voted "Nay".

FURTHER CONSIDERATION OF H. B. 57

The Senate proceeded to further consideration of the Bill, H. B. 57. The question was on the motion of Mr. Harris that the Committee substitute for the Bill, H. B. 57, be laid on the table, which motion was adopted.

Mr. Harris offered the following substitute for the Bill, H. B. 57, to-wit:

SUBSTITUTE FOR H. B. 57

A BILL TO BE ENTITLED AN ACT

To amend Title 51, Section 17, Code of Alabama 1940, so as to provide for a system of classification of property for ad valorem tax purposes, and to provide alternative procedures with respect to ad valorem taxes levied by any authority other than the State; to describe and define the various classes of property and to fix with respect to such classes the ratios of assessed value to the fair and reasonable market value of property within such classes; to provide for certain exemptions from taxation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17, Title 51, Code of Alabama 1940, as amended, is hereby further amended to read as follows:

1. With respect to ad valorem taxes levied by the state, and, unless otherwise provided with respect to ad valorem taxes levied by a county, municipality or other taxing authority other than the State all taxable property shall be divided into the following classes and no other and shall be assessed for ad valorem tax purposes at the following ratios of assessed value to the fair and reasonable market value of such property:

CLASS I. All property of utilities used in the business of such utilities, 30%.

CLASS II. All property not otherwise classified, 25%.

CLASS III. All agricultural, forest and residential property, 15%

2. As used herein:

(a) "all property of utilities" shall include all property assessed for taxation by the Department of Revenue pursuant to the provisions of Chapter 11, Title 51, Code of Alabama 1940, as amended;

(b) "all residential property" shall include real property used exclusively as a single-family dwelling by the owner thereof;

(c) "agricultural" and "forest" property shall include all real property used for raising, harvesting and selling crops or for the feeding, breeding, management, raising, sale of, or the produce of livestock to include beef cattle, sheep, swine, horses, ponies, mules, poultry, fur bearing animals, honeybees, and fish, or for dairying and the sale of dairy products, or for the growing and sale of timber and forest products, or any other agricultural or horticultural use or animal husbandry or any combination thereof;

(d) "all property not otherwise classified" shall include all real property which does not fall within one or both of Classes I or III.

3. Wherever any statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provision shall mean as assessed for county or municipal taxes.

4. The following property shall be exempted from ad valorem taxation: the real and personal property of the state, counties and municipalities and real and personal property devoted exclusively to religious, educational or charitable purposes. All property now exempt by law shall continue to be exempt from taxation until changed by law.

5. In the following designated counties taxable property shall be assessed at the ratio of assessed value to fair and reasonable market value for each class of property at the rate indicated:

<u>County</u>	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Morgan	30%	20%	20%
Limestone	30%	20%	20%
Calhoun	30%	20%	20%
Etowah	30%	20%	20%

Barbour	30%	15%	15%
Geneva	30%	15%	15%
Coffee	30%	15%	15%
Pike	30%	15%	15%
Bullock	30%	15%	15%
Autauga	30%	15%	15%
Lowndes	35%	15%	15%
Butler	35%	15%	15%
Crenshaw	35%	15%	15%
Covington	35%	15%	15%
Franklin	35%	15%	15%
Lawrence	35%	15%	15%
Winston	35%	15%	15%
Marion	35%	15%	15%
Fayette	30%	15%	15%
Lamar	30%	15%	15%
Pickens	30%	15%	15%
Hale	30%	15%	15%
Greene	30%	15%	15%
Wilcox	30%	15%	15%
Clarke	30%	15%	15%
Conecuh	30%	15%	15%
Monroe	30%	15%	15%
Chambers	30%	15%	15%
Randolph	30%	15%	15%
Lee	30%	15%	15%
Dallas	30%	15%	15%
Perry	30%	15%	15%
Bibb	30%	15%	15%
Houston	30%	15%	15%
Dale	30%	15%	15%
Russell	30%	15%	15%
Henry	30%	15%	15%
Jefferson	30%	25%	20%

Section 2. The provisions of this act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become law on its passage and approval by the Governor or its otherwise becoming law and shall become effective upon the ratification and adoption of an amendment to the Constitution proposed by this session of the Legislature authorizing the classification of property for purposes of ad valorem taxation.

Mr. Harris then offered the following amendment to the substitute for the Bill, H. B. 57, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE FOR H. B. 57

Add the following at the end of Section 3:

Provided, however, that should said amendment not be ratified and adopted all taxable property within the state shall be assessed at thirty percent of its fair and reasonable market value; in such event this act shall become effective thirty days after the date that the Secretary of State certifies that said amendment has not been ratified.

Mr. Fine moved that said amendment be laid on the table, which motion was lost.

Yeas 15; Nays 19.

Yeas:

Messrs.:	Dozier	Hammond	Owen
Branyon	Fine	Horne	Pelham
Clark	Foshee	Lindsey	Register
Cooper	Givhan	Littleton	Weaver

—15

Nays:

Messrs.:	Gilmore	Lybrand	Pierce
Bailes	Harris	McLain	Shelby
Cook	Hawkins	Malone	Vacca
Dominick	Jones	Noonan	Wilder
Edington	King	O'Bannon	Wilson

—19

And said amendment was then adopted by the Senate.

Mr. Noonan offered the following amendment to the substitute, as amended, for the Bill, H. B. 57, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE AS AMENDED, FOR H. B. 57

Amend Section 1, paragraph 2 (b) by striking out the bottom line of the paragraph beginning after the word "exclusively" and adding "as a residence when the same residence is used over a long term period whether by the owner or by lessee, provided; however, that this classification shall not apply to hotels, motels, or commercial trailer parks."

On motion of Mr. Harris, said amendment was laid on the table.

Mr. Noonan then offered the following amendment to the substitute, as amended, for the Bill, H. B. 57, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE AS AMENDED, FOR H. B. 57

Amend Section 1, paragraph 4, by striking out the "." after the word purposes in the fourth line and inserting the words, "also the

property of Masonic Lodges, Knights of Columbus Homes, and Union Halls shall be exempt when used exclusively for the purpose and business of such organizations."

Which was adopted.

Mr. Edington offered the following amendment to the substitute, as amended, for the Bill, H. B. 57, to-wit:

AMENDMENT TO HARRIS SUBSTITUTE AS AMENDED,
FOR H. B. 57

Amend Harris Substitute, as amended, for H. B. 57 as follows:

Delete Paragraph 4 of Section 1 in its entirety and substitute in lieu thereof the following:

"4. The following property shall be exempted from ad valorem taxation: the real and personal property of the state, counties and municipalities, real and personal property devoted exclusively to religious, educational or charitable purposes, and improvements made subsequent to the passage of this act on buildings listed in the National Register of Historic Places, the State Register of Historic Places and the Historic American Buildings Survey. All property now exempt by law shall continue to be exempt from taxation until changed by law."

On motion of Mr. Wilder, said amendment was laid on the table.

And said substitute, as amended, for the Bill, H. B. 57, was then adopted by the Senate.

Yeas 26; Nays 3.

Yeas:

Messrs.:	Foshee	Jones	Pelham	
Bailes	Gilmore	King	Pierce	
Clark	Givhan	Lindsey	Register	
Cook	Hammond	Littleton	Shelby	
Dominick	Harris	Lybrand	Weaver	
Dozier	Hawkins	O'Bannon	Wilder	
Edington	Horne	Owen		—26

Nays:

Messrs.:	Branyon	Cooper	McLain	—3
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And said Bill, H. B. 57, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 17; Nays 15.

Yeas:

Messrs.:	Hammond	Lybrand	Pierce	
Clark	Harris	O'Bannon	Register	
Dozier	Jones	Owen	Shelby	
Foshee	Lindsey	Pelham	Wilder	
Givhan	Littleton			—17

Nays:

Messrs.:	Branyon	Cooper	Edington
Bailes	Cook	Dominick	Fine

Gilmore Hawkins	Horne King	McLain Noonan	Vacca Weaver
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—15

The Bill:

H. 94. To redistrict the state and provide for the election of congressmen by district, amending Code of Alabama 1940, Title 17, Section 425, as amended.

was taken up.

RESOLUTION

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 44. BE IT RESOLVED BY THE SENATE That debate on H. B. 94 shall cease at 2:45 o'clock A. M. and that a vote be taken at that time on H. B. 94.

Which was adopted.

Yeas 24; Nays 8.

Yeas:

Messrs.:	Givhan	Lybrand	Pierce
Branyon	Hammond	Malone	Register
Clark	Harris	Noonan	Shelby
Cooper	Horne	O'Bannon	Weaver
Dozier	Lindsey	Owen	Wilder
Fine	Littleton	Pelham	Wilson
Foshee			

—24

Nays:

Messrs.:	Dominick	Gilmore	King
Bailes	Edington	Hawkins	Vacca
Cook			

—8

FURTHER CONSIDERATION OF H. B. 94

The Senate proceeded to further consideration of the Bill, H. B. 94.

Mr. Shelby offered the following amendment to the Bill, H. B. 94, to-wit:

AMENDMENT TO H. B. 94

Amend H. B. 94 in Section 1, subsection 425, in the second paragraph by deleting the word "Choctaw" and adding in lieu thereof the word "Wilcox".

Further amend in Section 1, subsection 425, in the paragraph beginning "The seventh district" by deleting the word "Wilcox" and adding in lieu thereof the word "Choctaw".

Which was adopted.

Yeas 28; Nays 2.

Yeas:

Messrs.:	Clark	Dominick	Foshee
Bailes	Cook	Dozier	Givhan
Branyon	Cooper	Edington	Hammond

Hawkins	Lybrand	Owen	Shelby	
Horne	McLain	Pelham	Vacca	
Jones	Noonan	Pierce	Weaver	
King	O'Bannon	Register	Wilder	
Littleton				—28

Nays:

Messrs.:	Harris	Lindsey	—2
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And said Bill, H. B. 94, as thus amended, was then read a third time at length and passed.

Yeas 30; Nays 3.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Bailes	Foshee	Littleton	Pierce	
Branyon	Gilmore	Lybrand	Shelby	
Cook	Givhan	McLain	Vacca	
Cooper	Hammond	Malone	Weaver	
Dominick	Hawkins	Noonan	Wilder	
Dozier	Jones	O'Bannon	Wilson	
Edington	King	Owen		—30

Nays:

Messrs.:	Harris	Horne	Register	—3
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The Bill:

H. 116. To make additional appropriations to the Department of Public Safety.

was again taken up.

Messrs. Wilson and Bailes offered the following amendment to the Bill, H. B. 116, to-wit:

AMENDMENT TO H. B. 116

Amend Section 1

Strike out the figure \$1,000,000
and insert \$ 900,000

and Add the following at the end of Section 1.

"For salary increase to all State Troopers in the
amount of 5% \$ 350,000

Total \$1,250,000.00

"None of the appropriations herein made or heretofore made in the General Fund Appropriations of fiscal year ending September 30, 1972 and September 30, 1973 may be used to pay salaries or expenses of any State Trooper outside the boundaries of the State of Alabama except in the performance of official and lawful duties."

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Bailes	Foshee	Lindsey	Pelham
Branyon	Gilmore	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cook	Hammond	McLain	Vacca
Cooper	Harris	Malone	Weaver
Dominick	Hawkins	Noonan	Wilder
Dozier	Horne	O'Bannon	Wilson
Edington			

—32

Nays:

—0

And said Bill, H. B. 116, as thus amended, was then read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Foshee	King	Owen
Bailes	Gilmore	Lindsey	Pelham
Branyon	Givhan	Littleton	Register
Clark	Hammond	Lybrand	Shelby
Cook	Harris	McLain	Vacca
Cooper	Hawkins	Malone	Weaver
Dozier	Horne	Noonan	Wilder
Edington	Jones	O'Bannon	Wilson
Fine			

—32

Nays:

—0

RESOLUTION

Mr. Pelham offered the following Senate Joint Resolution, to-wit:

S. J. R. 45. BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, THAT when the Senate adjourns today it adjourn to meet again on Tuesday, January 11, 1972 at 2:00 P. M.

On motion of Mr. Pelham, the Rules were suspended and the Resolution was adopted by the Senate.

POINT OF PERSONAL PRIVILEGE

Mr. King made the following statement and requested that said statement be spread upon the Journal, to-wit:

"NOTICE IN WRITING"

"Notice in writing is hereby given on this the fourteenth legislative day, Sunday, January 9, 1972, 2:20 A. M., that I do object and register my protest to the fact that the majority of the members of this Alabama State Senate have seen fit to require this body to meet on Sunday, the day of our Lord.

"I do further object and register my protest and do consider that any action taken on this legislative day is invalid, unconstitutional, and thus a nullity."

"TOM KING".

Which was read and ordered spread upon the Journal.

ADJOURNMENT

At 2:24 A. M., on motion of Mr. Pelham, in accordance with Joint Resolution heretofore adopted by the Senate, the Senate adjourned until Tuesday, January 11, 1972 at 2 o'clock P. M.

SIXTEENTH LEGISLATIVE DAY

TUESDAY, JANUARY 11, 1972

(The Senate was not in Session on the Fifteenth Legislative Day.)

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Clifford M. Abbott, Pastor, St. James United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	Jones	O'Bannon
Bailes	Fine	King	Owen
Branyon	Foshee	Lindsey	Pierce
Carr	Gilmore	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cook	Harris	McLain	Vacca
Cooper	Hawkins	Malone	Weaver
Dominick	Horne	Noonan	Wilder
Dozier			

—32

JOURNAL

On motion of Mr. Bailes, the reading of the Journal of the Fourteenth Legislative Day was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Fourteenth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion to Mr. Bailes, leaves of absence were granted Messrs. Pelham, Hammond and Wilson for today.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 100. Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; further regulating the registration of voters in such counties and providing for additional compensation of members of the board of registrars.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

MOTION TO RECONSIDER

On motion of Mr. Bailes, the Senate reconsidered the vote by which the Bill:

H. 116. To make additional appropriations to the Department of Public Safety.

as amended, was passed on the Fourteenth Legislative Day.

On motion of Mr. Bailes, the Senate reconsidered the vote by which the Bill, H. B. 116, as amended, was ordered to its third reading.

On motion of Mr. Bailes, further consideration of the Bill, H. B. 116, as amended, was postponed temporarily.

RECESS

At 2:15 P. M., on motion of Mr. Owen, the Senate took a recess until 3:15 P. M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Harris:

S. 169. To amend Section 8 of Act No. 159, S. 289, Regular Session, 1969 (Acts of Alabama 1969, Page 442) Approved July 10, 1969, entitled "An Act" Relating to displacement of individuals, families, farm operations, businesses and non-profit organizations; providing that payments may be made to them as a result of moving from their home, farm, or business due to acquisition of their property for highway construction purposes; providing that relocation moving payments be considered a part of highway construction; providing that the highway department may provide a relocation advisory assistance program in keeping with this Act; providing optional modes of payment to those displaced and covered under this Act; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; authorizing the Highway Director to adopt applicable federal rules and regulations to implement this Act and to comply with the relocation assistant provisions of the Federal-Aid Highway Act of 1968, and subsequent Federal Acts related thereto; repealing Section 39(2), Title 23, Code of Alabama 1940, recompiled 1958; to provide how this Act may be cited; and to provide a severability clause.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Harris:

S. 170. Relating to highways; to control and regulate the erection and maintenance of outdoor advertising devices or signs on lands adjacent to the Federal-Aid Primary System and the National System of Interstate and Defense Highways in Alabama; to provide compensation for removal or relocation of advertising devices; to define terms; to issue permits and collect fees therefore; to provide for violations and penalties; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; to provide how this Act may be cited; and to provide a severability clause.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Carr:

S. 171. Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties.

Committee on Local Legislation No. 1.

By Mr. Malone:

S. 172. To amend Section 1 of Act No. 1002, Regular Session, 1971, of the Alabama Legislature, an act relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census, authorizing the constable serving the county court to appoint a deputy constable, and providing for the term, duties and compensation of such deputy constable.

Committee on Local Legislation No. 1.

By Mr. Foshee:

S. 173. Relating to counties having a population of not less than 13,000 nor more than 13,250 according to the most recent federal decennial census; to provide further for the compensation of the Board of Registrars.

Committee on Local Legislation No. 1.

By Mr. Dozier:

S. 174. Relating to counties having a population of not less than 21,924, nor more than 22,960, according to the most recent Federal Decennial Census; providing expense allowances for the members of the County Commission of said counties.

Committee on Local Legislation No. 1.

By Mr. Cooper:

S. 175. To amend further Section 114, Title 22, Code of Alabama 1940, which relate to protection of the public against rabies.

Committee on Health.

By Mr. Cooper:

S. 176. To provide for the reapportionment of the Alabama Legislature by giving weighted votes to each member of the House and Senate in accordance to the total number of persons residing within the district they represent; to provide that the Secretary of State shall automatically reapportion the Legislature of Alabama after each federal decennial census by automatically figuring and proclaiming the weight of the vote that shall be cast by each member of the House and Senate of the Alabama Legislature.

Committee on Constitution and Elections.

By Mr. McLain:

S. 177. To authorize and create an additional judge of the Madison County Court and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other judge of the Madison County Court, to provide for the designation of each of the two positions of the judges of the Madison County Court by number and to provide for the salary of the additional judge.

Committee on Local Legislation No. 1.

With notice and proof thereto attached and herewith exhibited as follows:

THE STATE OF ALABAMA
MADISON COUNTY

A BILL
TO BE ENTITLED
AN ACT

To authorize and create an additional judge of the Madison County Court and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other judge of the Madison County Court, to provide for the designation of each of the two positions for the salary of the additional judge.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be two judges for the Madison County Court, which was created by Act No. 661, Acts of Alabama, 1957, Vol. 2, page 1003. The judge currently serving as judge of the Madison County Court when this Act becomes effective shall be judge Number One of such court and the additional judgeship hereby created shall be judge Number Two of such court. A judge for the position of judgeship Number Two on the court shall be elected at the general election

in November, 1972. He shall take office as soon as he has qualified thereafter and shall serve for a term of six years and until the first Monday after the second Tuesday in January, 1979, and until his successor has been elected and has qualified. At the general election held in 1978 and every six years thereafter a judge for judgeship Number Two of the Madison County Court shall be elected by the qualified voters of Madison County. The additional judge for the Madison County Court provided for by this Act shall have and exercise all the jurisdiction, powers, rights and authority conferred on the present judge of the Madison County Court by said Act No. 661 of the Regular Session of 1957. He shall in the same manner receive the same compensation and allowances as the present judge of the Madison County Court does.

The additional judge provided for by this Act shall take the same oath of office, possess the same qualifications, be subject to the same penalties and obligations, and perform the same duties as any other judge of the Madison County Court, however, the present judge of the Madison County Court shall be the presiding judge of such court until the expiration of his term of office, and after the expiration of his term of office, the judge who has been in office as judge of such court the longest, shall be the presiding judge. If neither of them has been in office longer than the other, then the judge who is the oldest shall be the presiding judge. It shall be the duty of the presiding judge to supervise the administrative functions of the Madison County Court, however, all the judges of such court shall have authority to direct activities of the Madison County Court so long as the orders of the associate judge do not conflict with the orders of the presiding judge.

Section 2. If the judge for position Number One and the judge for position Number Two are both holding court at the same time, then the judge for Place Number Two shall have authority to order the sheriff of Madison County to furnish him a deputy to serve as bailiff of the court.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared GARY BUCKNER, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was ADVERTISING DIRECTOR of the HUNTSVILLE NEWS, a newspaper of general circulation published in MADISON County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on DEC. 22, DEC. 30, 1971, JAN. 4, and JAN. 10, 1972.

GARY BUCKNER.

Sworn to and subscribed before me JAN. 10, 1972.

OPAL H. DILWORTH,
Notary Public.

By Mr. McLain:

S. 178. Relating to Solicitor's or District Attorney's Funds in judicial circuits consisting of one county and one county having not less than 175,000 nor more than 300,000 according to the most recent federal decennial census.

Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 22. To amend Section 1 of Act No. 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 so as to increase the membership of the County Pardon and Parole Board in all counties having a population of 600,000 or more according to the last or any subsequent decennial census.

Also:

H. 52. To authorize any city having a population of 300,000 or more according to the last or any succeeding federal decennial census to become a lessee under a lease or contract of lease respecting any building or buildings located or to be located in the city suitable as a community or meeting house, an auditorium, an arena, a convention hall, or a place of recreation, for a term not to exceed thirty years, from the State, the county in which any such city is located, or certain public corporations, to provide the terms and conditions of any such lease or contract, to provide that any such city may be joint lessee with such county or with any other municipality in such county and that the obligations of any such city may be individual and separate or joint and several, to provide that the obligations of any such city under any such lease or contract may be a general obligation secured by its full faith and credit and by such other pledge or assignment of its tax proceeds or revenues as may be agreed upon, or that such obligation may be a limited obligation, to provide for the inclusion of the obligations of any such city under any such lease or contract in the budget of such city and that any such city shall pay over rent and its other financial obligations due thereunder without further act by its governing body, to provide the circumstances under which any such contract or lease shall not be repealed, revoked, altered or amended, to provide for the severability of the provisions of this act, and to exempt any such contract or lease from all taxation and all other provisions of law with respect thereto.

Also:

H. 53. To authorize any county having a population of 600,000 or more according to the last or any succeeding federal decennial census to become a lessee under a lease or contract of lease respecting any building or buildings located or to be located in the county suitable as a community or meeting house, an auditorium, an arena, a convention hall, or a place of recreation, for a term not to exceed thirty years, from the State, any city located in the county, or certain public

corporations, to provide the terms and conditions of any such lease or contract, to provide that any such county may be joint lessee with any other municipality in such county and that the obligations of any such county may be individual and separate or joint and several, to provide that the obligation of any such county under any such lease or contract may be a general obligation secured by its full faith and credit and by such other pledge or assignment of its tax proceeds or revenues as may be agreed upon, or that such obligation may be a limited obligation, to provide for the inclusion of the obligations of any such county under any such lease or contract in the budget of such county and that any such county shall pay over rent and its other financial obligations due thereunder without further act by its governing body, to provide the circumstances under which any such contract or lease shall not be repealed, revoked, altered or amended, to provide for the severability of the provisions of this act, to provide that the approval of such lease or contract of lease by the governing body of any such county shall be sufficient and that no other approval, registration, audit or allowance shall be required, and to exempt any such contract or lease from all taxation, from the provisions of Chapter 6 of Title 12 of the Code of Alabama of 1940, as amended, and all other provisions of law with respect thereto.

Also:

H. 122. To authorize the county governing body of any city in any county having a population of not less than 42,000 nor more than 49,500 to provide an expense allowance for the district attorney of the Judicial Circuit within such county; to repeal Act No. 51, H. 82, 1970 Special Session (Acts 1969-70, p. 2674) and other Acts which conflict with the provisions of this Act.

Also:

H. 140. To amend Act No. 1695, H. 2263, approved September 17, 1971, which relates to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants, according to the most recent federal decennial census, and creates a civil service board in said counties to assure the more efficient operation of the sheriff's department; amending such bill in relation to the work load of uniformed deputy sheriffs.

Also:

H. 145. Relating to all counties having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census; to establish a procedure for the implementation and control of all future annual salary increases or decreases for the License Commissioner in such counties.

Also:

H. 148. To amend further the title and Section 1 of Act No. 251, H. 701, Regular Session 1969 (Acts 1969, p. 583), as amended, which abolishes the public highway and traffic funds in the county treasuries and provides for the transfer of such monies to the general fund and for the deposit of certain other monies in such general fund, in certain counties classified on a population basis; by revising the mode of disbursement of said funds, and making such revision retroactive.

Also:

H. 160. To repeal Act No. 5, H. 84 of the Second Special Session of 1971, approved December 1, 1971, entitled "An Act, To provide that in all counties having populations of not less than 115,000 nor more

than 150,000 inhabitants according to the last or any succeeding census, a person is found guilty or plead guilty, courts may, without entering judgment of guilty and with the consent of such person, defer proceedings and place on probation; that may discharge from probation before end of probation period; that at the end of probation period, shall discharge and dismiss such proceeding; that such discharge and dismissal makes it a non-public record; that discharge and dismissal may occur only once to such person; that if under 21 at the time of offense, such person may apply to expunge official records and restore to status occupied prior thereto; and that not guilty of perjury or false statement for failing to reveal such proceedings."

Also:

H. 171. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Fourteenth Judicial Circuit of Alabama.

Also:

H. 181. To provide for the compensation of all court bailiffs, members of the jury commission, members of the board of registrars and members of the tax equalization board of all counties having a population of not less than 45,500 nor more than 52,000 according to the most recent federal decennial census, and repealing Act No. 913, H. 1703, 1971 Regular Session, approved September 7, 1971, and other laws conflicting herewith.

Also:

H. 183. To amend Act No. 1878, H. 2122, Regular Session 1971, which provides for the establishment and operation of family court divisions in circuit courts of all counties having populations of not less than 175,000 nor more than 300,000, and providing for the selection and compensation of their officers, and administrative personnel, so as to provide further for the selection of the judge of said division and the compensation of his bailiff.

Also:

H. 159. To propose an amendment to the Constitution of Alabama to authorize the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitoes, rodents and other vectors of public health and welfare significance.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 79. NAMING THE HUMANITIES BUILDING AT JEF-

FERSON DAVIS STATE JUNIOR COLLEGE THE MARIE M. PATE HALL.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 112. To provide that there shall be three deputy sheriffs in counties having a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census.

Also:

H. 187. To regulate further the summoning of witnesses in Lawrence County; to provide that witnesses may be subpoenaed by United States mail in Lawrence County under certain conditions; and to prescribe a mileage allowance for officers serving subpoenas to witnesses otherwise than by mail.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 54. Commending David Beverly for making the All Southeastern Conference Team.

Also:

H. J. R. 55. COMMENDING TERRY BEASLEY FOR HIS GREAT FOOTBALL CAREER AT AUBURN UNIVERSITY.

Also:

H. J. R. 59. Mourning the death of Robert Lowry.

Also:

H. J. R. 64. CONGRATULATING MONROE ACADEMY FOR WINNING THE ALABAMA ASSOCIATION OF PRIVATE SCHOOL FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 66. Mourning the death of R. D. Jordan.

Also:

H. J. R. 69. Urging the bands of both Alabama and Auburn to play Dixie at their respective Bowl games and requesting authorities of each Bowl to have an invocation given.

Also:

H. J. R. 70. MOURNING THE DEATH OF THOMAS LANE BUTTS, SR.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 94. To redistrict the state and provide for the election of congressmen by district, amending Code of Alabama 1940, Title 17, Section 425, as amended.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 32. NAMING THE COUNTY HIGHWAY 63 IN MARSHALL COUNTY THAT RUNS FROM U. S. 431 THROUGH GRANT, ALABAMA TO U. S. 72 THE "CATHEDRAL CAVERNS HIGHWAY".

Also:

S. J. R. 35. NAMING THE COUNTY HIGHWAY 63 IN MARSHALL COUNTY THAT RUNS FROM U. S. 431 THROUGH GRANT, ALABAMA TO U. S. 72 THE "CATHEDRAL CAVERNS HIGHWAY".

Also:

S. J. R. 34. REQUESTING THAT THE CORPS OF ARMY ENGINEERS NAME THE COLUMBIA LOCK AND DAM ON THE CHATAHOOCHEE RIVER BELOW COLUMBIA, ALABAMA IN HOUSTON COUNTY FOR GEORGE ANDREWS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Culver, Robertson, Parker (T), and Bank:

H. J. R. 87. CONGRATULATING THE UNIVERSITY OF NEBRASKA FOOTBALL TEAM AND HEAD COACH BOB DEVANEY FOR THEIR SELECTION AS THE NUMBER ONE TEAM IN THE NATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 87, the title of which is set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Harris, Jones (F), Taylor, Straiton and Lyons:

H. J. R. 90. RECOMMENDING THAT THE MONTGOMERY CITY-COUNTY CHARITY CLINIC BE NAMED THE LISTER HILL HEALTH CENTER.

WHEREAS Lister Hill, retired United States Senator from Alabama, has long been a leader for better health care in this country and has often been called the Senate's "Statesman for Health"; and

WHEREAS he devoted a great deal of time and energy to programs and legislation increasing the training of personnel and funds for health care; and

WHEREAS through his efforts the Hill-Burton Hospital Construction Act of 1946 was passed by Congress and this Act has provided over 400,000 beds in hospitals, nursing homes and rehabilitation facilities; and

WHEREAS many honors have come his way including honorary degrees from the University of Alabama, Auburn University, National University, the Woman's Medical College of Pennsylvania and the Hahenemann Medical College and he is an Honorary Fellow of the American College of Hospital Administrators and an honorary member of Phi Alpha Delta law fraternity and Omicron Kappa Epsilon dental society. He is also a member of Who's Who in the South and Southwest, Who's Who in Alabama and Who's Who in America; and

WHEREAS Lister Hill has received awards and citations for distinguished service from the Alabama Association for Mental Health, The Alabama Society for Crippled Children and Adults, the William Crawford Gorgas Award of the Alabama Medical Association and has been cited by the Alabama Dental Association. He has also been honored with the Albert Lasher Medical Research Award for his dedication to the expansion of medical research and he received the first Alexander Graham Bell award for aiding the deaf; and

WHEREAS the naming of the Montgomery City-County Charity Clinic would be a fitting memorial to this great statesman for his outstanding contributions in the field of public health; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body goes on record as requesting that the Montgomery City-County Charity Clinic be named in honor of Lister Hill and be known as the Lister Hill Health Center.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Montgomery County Governing Body and the Montgomery City Commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pierce, the Rules were suspended and the Resolution, H. J. R. 90, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Merrill, Burgess, and Ellis:

H. J. R. 88. WHEREAS the reapportionment plan adopted by the U. S. District Court for the middle district of Alabama, northern division, in its order dated January 3, 1972, does not serve the best interest of the citizens of Alabama whether they be black, white, democrats, republicans or independents; and

WHEREAS the present Legislature serving by virtue of and under the authority of the reapportionment decree of this very same federal court dated October 2, 1960, is charged with the duty of representing all of the people of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a permanent joint legislative committee on reapportionment to consist of seven members from the House of Representatives, to be appointed by the Speaker, and seven members from the Senate, to be appointed by the Lt. Governor. This committee shall make a continuous study of the reapportionment problem in Alabama seeking solutions thereto and further shall endeavor to alleviate the inequities of the January 3, 1972 order referred to above. It shall make such reports of its investigations, findings and recommendations to the legislature at any time during any regular or special session of the legislature as it may deem to be necessary or desirable. Each member of the committee hereby created shall be entitled to his usual legislative pay, travel expenses and per diem for each day he spends in attending such committee meetings.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 88, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 31. MOURNING THE DEATH OF REPRESENTATIVE GEORGE ANDREWS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Lyons:

H. J. R. 85. TO CREATE AN INTERIM LEGISLATIVE COMMITTEE TO STUDY THE MODERNIZATION OF THE LEGISLATURE AND TO AUTHORIZE SUCH COMMITTEE TO EMPLOY AN INDEPENDENT AGENCY TO ASSIST IN SUCH STUDY.

WHEREAS modernization of the structures and procedures of state legislatures is recognized as a worthwhile desirable goal of all state legislatures; and

WHEREAS modernization of structures and procedures leads to an effective and responsive state government; and

WHEREAS many of the great State of Alabama's sister states have already undertaken modernization of the structures and procedures of their legislatures or are in the process of such undertaking; and

WHEREAS the citizens of Alabama would be greatly benefited by the modernization of structures and procedures of our state legislature; and

WHEREAS a study of the experiences of other states as they proceeded with modernization would be a necessary step in the efforts of Alabama to bring modernization of structures and procedures to our State; and

WHEREAS substantial savings would be achieved by the employment of an independent agency especially skilled in such studies; and

WHEREAS the Eagleton Institute of Politics of Rutgers University has conducted comprehensive studies of many other states, including Mississippi, Maryland, Rhode Island, Wisconsin and Florida; and

WHEREAS the Eagleton Institute of Politics of Rutgers University is recognized as a competent independent agency in this particular field; and

WHEREAS substantial savings and time and money could be achieved by the employing of such an independent agency to conduct a study of the Alabama legislative procedure and structure; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, There is hereby established an interim committee on legislative modernization to be made up of three members of the House of Representatives appointed by the Speaker and

three members of the Senate appointed by the Lt. Governor which committee shall be empowered to employ the Eagleton Institute of Politics of Rutgers University to conduct an independent study or further shall be empowered to employ any other agency of known and recognized confidence for the conduction of such a study. The committee shall undertake on its own such inquiries and studies as it deems appropriate to the end that they may recommend to the Legislature a course of action by legislation or otherwise for modernization of the Alabama Legislature. The clerk of the house and secretary of the senate shall furnish such clerical assistance as may be necessary for the satisfactory performance of its duties.

BE IT FURTHER RESOLVED That the members of this committee shall receive their regular legislative pay while on the business of the committee and further shall be entitled to their reasonable and necessary expenses incurred on the business of the committee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 85, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Parker (T) and Callahan:

H. J. R. 91. URGING CONGRESS TO ENACT THE SURFACE TRANSPORTATION ACT OF 1971

WHEREAS the present and future needs of the United States for a stable and an expanding economy require the smooth functioning of a balanced surface transportation system making the best possible use of all modes, rail, highway and waterway; and

WHEREAS the demand for freight transportation is growing three times as fast as the population and will double by 1985; and

WHEREAS much of the surface transportation system is today in a precarious financial position which impedes its ability to modernize and to meet increasing needs of both shippers and consumers alike; and

WHEREAS existing federal policies relating to regulation and financing have lagged far behind and have impeded the progress and health of the transportation industry: Now therefore be it

RESOLVED by the Alabama House of Representatives, the Senate concurring, That we urge the Congress to enact the SURFACE TRANSPORTATION ACT OF 1971 with its provisions for updating regulation and extending limited financial assistance to the nation's surface transportation modes; and be it

RESOLVED, further, That copies of this Resolution be transmitted to the President of the United States and to each Senator and Representative from Alabama in the Congress of the United States.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 91, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Givhan, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Littleton, Givhan and Cooper:

S. 159. To make a conditional supplemental appropriation from the Special Educational Trust Fund to the Speech and Hearing Center at the University of Montevallo for the fiscal years ending September 30, 1972 and September 30, 1973.

By Mr. Dozier:

S. 124. To make an appropriation from the Alabama Special Education Trust Fund to the Enterprise High School Band for the purpose of representing Alabama at the 1972 Olympic games in Munich, Germany.

By Messrs. Owen and Givhan:

S. 139. To make a supplemental appropriation to the Farmers Market Authority for the fiscal years ending September 30, 1972 and September 30, 1973.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cooper:

S. 141. To amend Act No. 1594, Regular Session, 1971, so as to appropriate the fees received in Section 4 and Section 13 therein.

By Mr. Cooper:

S. 142. To amend Section 2 and Section 9 of Act No. 1516, Regular Session, 1971, so as to appropriate the fees received in Section 9.

By Mr. Cooper:

S. 143. To amend Act No. 1590, Regular Session, 1971, so as to appropriate the fees received in Section 2.

By Mr. Owen:

S. 150. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Baldwin County to the list of counties to which the Act does not apply.

By Mr. Givhan:

S. 156. To amend Act No. 1945, H. 584, of the Regular Session of 1971, which authorizes the County Commissions of the several counties to appoint a County Engineer or a Chief Engineer of the Division of Public Roads to provide for his compensation; to provide for the qualifications and duties; and to provide for State participation of the salary of said Engineer.

By Mr. Hammond:

S. 163. To make further provision for the financing and construction of public bridges in the state; to authorize Alabama Highway Authority to sell and issue from time to time not exceeding \$25,000,000 principal amount of bonds in addition to those heretofore authorized to be issued by said Authority; to provide for the details of said bonds, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued under this act shall not create an obligation or debt of the state and shall be limited obligations payable solely out of the revenues of the said Authority appropriated and pledged in this act; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds and that the limitation on the amount of the bonds issued by said Authority under this act shall not apply to refunding bonds issued under this act; to provide that said bonds and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies; to provide that said bonds shall be lawful for the investment of fiduciary funds; to provide for the use of the proceeds of said bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on said bonds; to authorize the said Authority to pledge for payment of the said principal and interest the moneys appropriated and pledged in this act for that purpose; to provide that any portion of this act that may be held invalid shall not affect the validity of any other portion hereof; and to specify the effective date of this act.

By Messrs Jones and Pierce:

S. 165. To amend Section 1 of Act. No. 1403, H. 46, approved September 17, 1971, entitled "An Act To provide for inspection of certain petroleum products, including those commonly known as gasoline, naptha, diesel fuel, kerosene and lubricating oil, that are sold, offered for sale, used or stored in the State of Alabama; to provide for the issuance by the Commissioner of Agriculture and Industries of permits for selling, offering for sale, storing or using such petroleum products and to require the making of applications for such permits and payments of a permit fee; to authorize the Board of Agriculture and Industries to establish minimum standards for such petroleum products; to require compliance with such standards; to provide for enforcement of this act, including provisions for maintenance of records and for labeling, sampling and testing such products, provisions prohibiting adulteration thereof, and provisions for penalties for violation of this act; to prohibit the sale, offering for sale, storage or use in this State of petroleum products not meeting the said standards; to impose an inspection fee in respect of each such petroleum product; to provide for the disposition of such inspection fees and any penalties collected under this act; to provide that violation of this act constitutes a misdemeanor; and to repeal Article 21 of Chapter 1 of Title 2 of the Code of Alabama of 1940 and subdivision 2 of Article 26 of the said Chapter 1."

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a

favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hammond:

S. 166. Relating to counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county.

By Mr. Harris:

S. 162. To apply only in counties having a population of not less than 75,000 nor more than 90,000; to revise the requirements and salary of the Judge of any county court of general jurisdiction in such counties.

RESOLUTION

Messrs. Foshee, Fine, Pelham, Bailes, Branyon, Carr, Clark, Cook, Cooper, Dominick, Dozier, Edington, Gilmore, Givhan, Hammond, Harris, Hawkins, Horne, Jones, King, Lindsey, Littleton, Lybrand, McLain, Malone, Noonan, O'Bannon, Owen, Pierce, Register, Shelby Vacca, Weaver, Wilder and Wilson offered the following Senate Resolution, to-wit:

S. R. 46. COMMENDING MR. ARNOLD DEBROW OF MOBILE FOR HIS SERVICES TO THE LEGISLATURE IN THE FIELD OF AD VALOREM LEGISLATION

WHEREAS, Tax Assessor Arnold Debrow of Mobile County, was requested by the Alabama Tax Assessors' Association to come to Montgomery and make his knowledge, experience, and skill in the field of ad valorem taxation available to the members of this body, and

WHEREAS, Mr. Debrow has labored long and effectively to instruct and advise the members of both houses in a complicated and difficult phase of financial administration which is so vital to the operation of state and local government, and

WHEREAS, it is apparent that Mr. Debrow was selected by his Association because of his ability and his willingness to spend his valuable time in the interest of the people of the State, now therefore,

BE IT ENACTED BY THE SENATE OF ALABAMA, that we commend the Tax Assessors' Association and its President, Mr. Ted Farrar, for their perception in choosing Mr. Debrow to represent these dedicated public officers at the Capitol, and we can assure them that he has won the respect and admiration of each Senator for a most difficult task well and ably done.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Mr. Arnold Debrow and Mr. Ted Farrar.

On motion of Mr. Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Littleton offered the following Senate Joint Resolution, to-wit:

S. J. R. 47. CREATING THE JOINT INTERIM COMMITTEE ON AGRICULTURE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That there shall be a joint interim committee on agriculture to meet on call of its chairman during the interim between the date of passage of this resolution, and the first legislative

day of the 1975 regular legislative session, which shall make a study of the condition of agriculture in the state, hold hearings, inquire into ways and means of improving agriculture, agricultural marketing, and business and industry based on agriculture in the state, and report its findings, conclusions, and recommendations to the Governor and to each house of the legislature at the 1975 regular session, and to any intervening regular or special session.

The committee shall consist of seven (7) members from the House Committee on Agriculture to be appointed by the Speaker of the House, and six (6) members from the Senate Committee on Agriculture to be appointed by the President of the Senate. The chairman of the Senate Committee on Agriculture shall also be a member and shall be chairman of the interim committee and the chairman of the House Committee on Agriculture shall also be a member and shall be vice-chairman of the interim committee.

The chairman of the committee, with the approval of the vice-chairman, shall set the schedule and program for committee work, and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work.

The total expenditures of the committee in any fiscal year shall not exceed three thousand, five hundred dollars (\$3,500.00), inclusive of per diem legislative pay.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The Bill:

H. 4. To make additional appropriations to the Divisions of Game and Fish, Water Safety, Administrative and State Parks of the Department of Conservation and Natural Resources.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Owen
Bailes	Edington	King	Pierce
Branyon	Fine	Lindsey	Shelby
Carr	Foshee	Littleton	Vacca
Cook	Gilmore	Lybrand	Weaver
Cooper	Horne	Noonan	Wilder
Dominick			

—24

Nays:

—0

The Bill:

H. 5. To make appropriations from the Water Safety Fund in the State Treasury for Division of Water Safety capital improvements.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Carr	Dominick	Fine
Bailes	Cook	Dozier	Foshee
Branyon	Cooper	Edington	Gilmore

Hawkins	Lindsey	Noonan	Shelby	
Horne	Littleton	Owen	Vacca	
Jones	Lybrand	Pierce	Weaver	
King	McLain	Register	Wilder	

—27

Nays: —0

The Bill:

H. 103. To make appropriations from the Alabama special educational trust fund in the state treasury for the use and benefit of The State Training School for Girls.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Pierce	
Bailes	Edington	King	Register	
Branyon	Fine	Lindsey	Shelby	
Carr	Foshee	Littleton	Vacca	
Cook	Gilmore	Lybrand	Weaver	
Cooper	Hawkins	Noonan	Wilder	
Dominick	Horne	Owen		

—26

Nays: —0

The Bill:

H. 117. To make additional appropriation to the Banking Department—Bureau of Loans.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Noonan	
Bailes	Dozier	Jones	O'Bannon	
Branyon	Edington	King	Pierce	
Carr	Fine	Lindsey	Register	
Clark	Foshee	Littleton	Vacca	
Cook	Gilmore	Lybrand	Wilder	
Cooper	Givhan			

—25

Nays: —0

The Bill:

H. 90. To make a supplemental appropriation to the Bureau of Credit Unions of the Department of Banking for the fiscal years ending September 30, 1972 and September 30, 1973.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cook	Edington	Givhan
Bailes	Cooper	Fine	Hawkins
Branyon	Dominick	Foshee	Horne
Carr	Dozier	Gilmore	Jones

King	Lybrand	O'Bannon	Vacca	
Lindsey	McLain	Owen	Wilder	
Littleton	Noonan	Register		—26
<i>Nays:</i>				—0

The Bill:

S. 158. To amend the title and Section 1 of Act No. 520, H. 213, Regular Session 1971, approved August 31, 1971, which Act provides an additional expense allowance for the Probate Judge for counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census; so as to provide that such expense allowance shall be paid to the Chairman of the Board of County Commissioners instead of the Probate Judge.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Clark	Foshee	Littleton	Pierce	
Cook	Gilmore	McLain	Register	
Cooper	Harris	Malone	Vacca	
Dominick	Hawkins	Noonan	Weaver	
Dozier	Horne	O'Bannon	Wilder	
Edington	Jones			—25
<i>Nays:</i>				—0

The Bill:

H. 132. To provide for a comprehensive land management and use program in flood-prone areas of this state so as to make flood insurance available under the National Flood Insurance Act of 1968; to declare the public need for such program; to define terms; to authorize the county governing body in each county to prescribe criteria for land management and use in such areas, including control measures, subdivision planning requirements, building and health code requirements; to require certain permits prior to commencing construction; and to prescribe penalties for violations.

was taken up.

Mr. Edington offered the following substitute for the Bill, H. B. 132, to-wit:

SUBSTITUTE FOR H. B. 132

A BILL

TO BE ENTITLED

AN ACT

To provide for a comprehensive land management and use program in flood-prone areas of this state and to allow governmental units of Alabama to meet the requirements of the National Flood Insurance Act of 1968; to declare the public need for such program; to define terms; to authorize the county governing body in each county to prescribe criteria for land management and use in such areas, including control measures, subdivision planning requirements, building and health

code requirements; to require certain permits prior to commencing construction; and to prescribe penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act the following words and phrases unless otherwise clearly indicated shall mean:

"County governing body" means the chief administrative body of each county in this state.

"Flood" or "flooding" means the general and temporary condition of partial or complete inundation of normally dry land areas (a) from the overflow of streams, rivers and other inland waters or (b) from tidal surges, abnormally high tidal water, tidal waves or rising coastal waters resulting from tsunamis, hurricanes, or other severe storms.

"Flood-prone area" means any area with a frequency of inundation of once in 100 years as defined by qualified hydrologists or engineers using methods that are generally accepted by persons engaged in the field of hydrology and engineering.

"Land use and control measures" means zoning ordinances, subdivision regulations, building codes, health regulations and other applications and extensions of the normal police power to provide safe standards of occupancy for prudent use of flood-prone areas.

Section 2. Because of the great financial and economic loss, as well as human suffering, caused by floods and flooding in this state and despite plans and programs, directly or indirectly affecting the control of flood waters, and the reduction of flooding, there also exists a clear and definite public need for a program to provide flood insurance coverage in flood-prone areas of this state. It is the declared purpose of this act to provide in each county of this state a comprehensive land use management plan by:

(a) constricting the development of land which is exposed to flood damage in the flood-prone areas;

(b) guiding the development of proposed construction away from locations which are threatened by flood hazards;

(c) assisting in reducing damage caused by floods; and

(d) otherwise improving the long-range management and use of flood-prone areas.

Section 3. The county governing body in each county of this state is hereby authorized and may adopt zoning ordinances and building codes for flood-prone areas which lie outside the corporate limits of any municipality in the county. Each such governing body shall have broad authority to establish or cause to be established comprehensive land use and control measures which shall specifically include the control and development of subdivisions in flood-prone areas; to establish or cause to be established building codes and health regulations incorporating such minimum standards as shall be necessary to reduce flood damage in flood-prone areas; to provide such standards of occupancy for the prudent use of flood-prone areas in the county; to provide for the preparation of maps clearly delineating flood-prone areas and floodways in the county and to keep the same for public inspection; to make such studies as may be necessary to carry out the purposes of this act; to employ such technical and/or advisory personnel including the establishment of a county planning commission, as is deemed necessary or expedient; and to adopt ordinances for the enforcement of all such regulations.

Section 4. Land use and control measures shall provide land use restrictions based on probable exposure to flooding. Measures specified in this section shall:

- (a) prohibit inappropriate new construction or substantial improvements in the flood-prone areas;
- (b) control land uses and elevations of all new construction within the flood-prone area;
- (c) for coastal flood-prone areas prescribe land uses and minimum elevations of the first floors or buildings and include consideration of the need for bulkheads, seawalls and pilings;
- (d) be based on competent evaluation of the flood hazard as revealed by current authoritative flood-prone information;
- (e) be consistent with existing flood-prone management programs affecting adjacent areas and applicable to appropriate state standards; and
- (f) prescribe such additional standards as may be necessary to comply with federal requirements for making flood insurance coverage under the National Flood Insurance Act of 1968 available in this state.

Section 5. In addition to land use restrictions commensurate with the degree of the flood hazards in various parts of the area, there shall be such subdivision regulations as may be necessary:

- (a) to prevent the inappropriate development of flood-prone lands;
- (b) to encourage the appropriate location and elevation of streets, sewers, and water systems and the reservation of adequate and convenient open space for utilities;
- (c) to provide for adequate drainage so as to minimize exposure to flood hazards and to prevent the aggravation of flood hazards; and
- (d) to require such minimum elevation of all new development as required.

Section 6. Building codes and health regulations shall include all applicable state and local provisions and shall cover all public and private construction and development in flood-prone areas including, but not limited to, private homes; farm buildings; all buildings (except accessory buildings of under 200 square feet of floor space); streets, avenues, roadways, alley ways and easements; electricity, water systems and sewerage disposal systems. Such regulations may require that all proposed improvements and developments in flood-prone areas will:

- (a) properly elevate structures so as to assure protection from reasonably expected flooding;
- (b) design buildings so as to prevent flotation and collapse, giving special attention to the adequacy of foundations and to prevent damage to non-structural elements;
- (c) provide for the protection of heating systems and other critical mechanical or electrical installations from damage by flooding;
- (d) not create unhealthful areas of pondage or accumulation of debris, and obstacles in flooding situations;
- (e) provide adequate controls on the placement of septic tanks to avoid contamination during flooding;

(f) provide adequate sewerage and water systems which will not be adversely affected by flooding; and

(g) require and encourage flood proofing, to the maximum extent practicable in connection with all proposed major improvements, repairs, and rehabilitations of existing structures.

Section 7. The county governing body desiring to participate in this program shall require every person, firm, corporation or agency to submit plans and specifications for all proposed construction and development in flood-prone areas lying outside the corporate limits of municipalities of the county prior to commencing operations. If such plans and specifications conform in every respect with the applicable specifications, rules and regulations adopted by the governing body of the county, said governing body shall issue a permit therefor and shall charge such issuance fee as the governing body shall agree is just and reasonable. All such fees shall be deposited in a special fund in the county treasury and shall be used to enforce the provisions of this act and no permits shall be issued for any construction or development for which plans and specifications are not in substantial compliance with the specifications, rules and regulations adopted by the county governing body; provided, nothing in the foregoing shall be construed to require a permit for, or otherwise relate to, the location, erection, construction, reconstruction, alteration or maintenance of utility poles, towers, lines, conduits, pipes, mains, or of any utility facilities constructed pursuant to authority conferred by statutes, franchises, certificates of convenience and necessity, licenses or easements.

Section 8. COUNTY PLANNING COMMISSION: CREATION AND MEMBERSHIP. The county governing body of any county may, by resolution or ordinance, create a county planning commission for the purpose of enforcing this Act. The county governing body shall appoint not less than five (5) nor more than eleven (11) members to the commission. The Probate Judge, chairman or similar presiding officer of the county governing body, shall be an ex officio member of said commission and shall vote only in case of a tie vote at a meeting wherein the entire membership is present and has voted. Members of the county governing body may serve as members of the planning commission notwithstanding the provisions of Title 12, Section 7, of the Code of Alabama or any other provisions limiting the offices such governing officials may hold. The term of the ex officio member shall correspond to his official tenure. The terms of each appointive members shall be four (4) years; provided, that, in the initial appointments to the commission a majority, but not exceeding three-fifths (3/5) of the total membership of the commission, shall be appointed for two (2) years and the remaining members for four (4) years; and provided further, that any members of the county governing body appointed to the planning commission for a term exceeding their official tenure as a member of the county governing body shall, notwithstanding, continue to be a member of the said commission until the expiration of their appointment as such unless otherwise removed as subsequently provided in this section. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the original appointment. Any appointed members of the commission shall be subject to removal by the county governing body for cause after written notice. All members of the county planning commission shall serve as such without compensation.

Section 9. ORGANIZATION, RULES, OFFICERS, STAFF AND FINANCES. The county planning commission shall adopt bylaws for the transaction of business and shall keep a record of its transactions, resolutions, findings, and determinations, which record shall be a public record. The county planning commission shall elect a chairman and a

vice chairman from among the appointed members who shall serve for one (1) year with eligibility for re-election. The county planning commission shall appoint a secretary who may be an officer or an employee of the county governing body or a member of the county planning commission. The county planning commission shall meet at least once each month at the call of the chairman and at such other times as the chairman or county planning commission may determine. The county planning commission may appoint such employees and staff as it may deem necessary for its work. In the performance of its duties, the county planning commission may cooperate with, contract with, or accept funds from federal, state, or local public or semi-public agencies or private individuals or corporations, may expend such funds, and may carry out such cooperative undertakings and contracts. It may make expenditures for the purchase of required equipment and supplies. The expenditures of the county planning commission, exclusive of gifts, grants or contract receipts, shall be within the amounts appropriated for the purpose by the county governing body.

Section 10. COUNTY PLANNING COMMISSION: POWERS AND DUTIES. It shall be the function and duty of the county planning commission to make and maintain comprehensive surveys and studies of existing conditions and probable future developments in the flood-prone area of the county and to prepare comprehensive plans for physical, social and economic growth as will best promote the public health, safety, morals, convenience, prosperity, or the general welfare as well as efficiency and economy in the development of the flood-prone area of the county. The county planning commission shall have the authority to:

(a) Promote public interest and understanding of the economic and social necessity for long term, coordinated county planning;

(b) Confer and cooperate with the federal, state, municipal, and other county and regional authorities regarding matters pertaining to, or affecting the planning or development of said county, or vice versa, for the purpose of assuring proper coordination of county development with that of other political subdivisions.

(c) Prepare and recommend for adoption to the appropriate county governing body or authorities a zoning ordinance and map for the flood-prone area of the county.

(d) Prepare and recommend for adoption to the appropriate county governing body or authorities regulations for the subdivision of land within the flood-prone areas of the county jurisdiction, and to administer the regulations that they may be adopted.

Upon request of the county planning commission, the county governing body may from time to time, for the purpose of special surveys under the direction of the county planning commission, assign to the county planning commission members of the staff or the personnel of any county administrative department, bureau or agency, or may direct any such department, bureau or agency, to make special surveys or studies for the county planning commission. All public officials, departments and agencies may upon request furnish the county planning commission, within a reasonable time, with such available information as it may require for its work. The county planning commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make necessary examination and surveys. In general, the commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties.

Section 11. SUBDIVISION REGULATIONS: AUTHORIZATION. The county governing body of any county is hereby authorized to enact

an ordinance regulating the platting and recording of any subdivision of land, as defined by this act, lying within the flood-prone area of the county. The county planning commission shall have the authority to prepare and submit to the county governing body for its consideration and adopted, regulations governing the subdivision of land within its jurisdiction. Before the county governing body may adopt subdivision regulations or any amendment thereto under the provisions of this act, the said county governing body shall hold a public hearing on the proposed regulations. A notice of said public hearing shall be given once a week for two (2) consecutive weeks in a newspaper of general circulation in the county and a copy of the proposed subdivision regulations shall be made available to any interested person before said public hearing. A copy of the subdivision regulations as adopted shall be certified to the office of the Judge of Probate.

Section 12. SUBDIVISION REGULATIONS: PLANNING COMMISSION AS PLATTING AUTHORITY. Whenever subdivision regulations have been adopted by the county governing body as provided herein, then no plat of a subdivision that lies within the flood-prone area of the county shall be filed or recorded in the office of the Judge of Probate of the county until it shall have been submitted to and approved by the county planning commission and such approval entered in writing on the plat by the chairman and secretary of the county planning commission.

Section 13. SUBDIVISION REGULATIONS: PROVISIONS OF REGULATIONS. In exercising the powers granted to it by this act, the county planning commission shall prepare and recommend to the county governing body for adoption regulations governing the subdivision of land within the flood-prone area of the county. Such regulations may provide for the harmonious development of the flood-prone area of the county; for the coordination of streets within subdivisions with other existing or planned streets; for the size of blocks and lots; for the dedication or reservation of land for streets, schools sites, and recreation areas and of easements for utilities and other public services and facilities; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity, or general welfare.

Such regulations may include requirements as to the extent to which and the manner in which streets shall be graded, surfaced, and improved, and water, sewers, septic tanks, as required by state health regulations, and other utility mains, piping, connections, or other facilities shall be installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work and installations previous to the final approval of a plat, the county governing body of the county may accept a bond, in any amount and surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installations of such improvements and utilities within a period specified by the county planning commission and expressed in the bond; and the county is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies.

For the purpose of this act, "subdivision" means the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Section 14. PROCEDURE FOR APPROVING SUBDIVISION PLAT. The county planning commission shall act to approve or dis-

approve a subdivision plat within thirty (30) days after its submission; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the county planning commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period. The grounds for disapproval of any plat shall be stated upon the records of the county planning commission. Any plat submitted to the county planning commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the commission without a public hearing thereon. Notice shall be sent to the said address by registered mail of the time and place of such hearing not less than five (5) days before the date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the county tax assessor's office or on the tax records of the county. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat.

Section 15. PENALTIES FOR TRANSFERRING LOTS IN UN-APPROVED SUBDIVISIONS. Whoever, being the owner or agent of the owner of any land located within a subdivision within the flood-prone areas, transfers or sells or agrees to sell or negotiates to sell any land by reference to, or exhibition of, or by other use of a plat of a subdivision before such plat has been approved by the county planning commission and recorded or filed in the office of the Judge of Probate, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law; and the description of such lot or parcel by metes and bounds in the instrument of transfer or conveyance or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or remedies herein provided. The county governing body may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by a civil action in any court of competent jurisdiction.

Section 16. ZONING: GRANT OF POWER. For the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the state and counties, any county governing body is hereby empowered to divide the portion of the county within the flood-prone area of the county into districts of such number, shape and area as may be found best suited to to carry out the purposes of this act, and to provide within such districts for standards relating to the location, bulk, height, minimum elevation, number of stories, and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of population, the uses of buildings, structures, and of land for trade, residence, recreation, agriculture, forestry, conservation, water supply, sanitation, floodways, public activities, and other purposes. Such provision shall be made in accordance with a comprehensive plan of the flood-prone area and shall be designed to lessen congestion in the streets and highways; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water supply, sewerage, schools, parks, and other public requirements. Such provision shall be made with reasonable consideration, among other things, of the character of the land and district and its peculiar suitability for particular uses and with a view of promoting desirable living conditions, sustaining the stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving

the value of buildings, and encouraging the most appropriate use of land and of buildings and structures throughout the flood-prone area of the county.

Section 17. TERRITORY WHICH MAY BE ZONED. For the purpose of providing for the division of the territory into districts, consonant with the conditions provided in this section, the county planning commission may make and certify to the county governing body a single zoning plan for all the territory of the area which lies within the jurisdiction of the county planning commission or may make and certify separate and successive zoning plans for parts of the flood-prone area for which technical information is available or which for other reasons it deems to have appropriate territorial unity for a zoning plan; and correspondingly any zoning ordinance or resolution enacted by the county governing body may cover and include the whole territory lying within its jurisdiction or such territory as the commission deems to be appropriate territorial unit for a zoning plan; provided, however, no resolution governing more or less than the entire area be enacted or put into effect until it is first submitted to the county planning commission for additional review and comment.

Section 18. ZONING ORDINANCE: PREPARATION, ADOPTION AND PUBLIC HEARINGS. The planning commission shall have the duty of preparing a zoning plan, including both the written provisions of the ordinance and a map or maps showing the district boundaries. The commission may hold such public hearings as it deems necessary concerning the zoning ordinance. It shall certify the zoning ordinance and map to the county governing body.

On receipt of a zoning ordinance and map from the county planning commission, the county governing body shall hold a public hearing thereon, after which its may adopt the zoning ordinance and map as recommended, adopt it with modifications, or reject it.

The zoning ordinance, including the map or maps, may from time to time be amended, supplemented, changed, modified, or repealed. No amendment shall become effective unless it first be submitted to the county planning commission for its recommendations; failure of the county planning commission to make recommendations for a period of thirty (30) days after the amendment has been referred to it shall constitute a favorable recommendation. No amendment may be adopted until after a public hearing thereon as prescribed above.

A notice of any public hearing required herein shall be given once a week for two (2) consecutive weeks in a newspaper published in the county, or, if there be no newspaper published in the county, by posting such notice at four (4) public places in the county, said notice to be published the first time or posted not less than fifteen (15) days prior to the date fixed for said hearing. Said notice of public hearing shall include:

- (a) Date of hearing;
- (b) Location of hearing;
- (c) Location where proposed amendment may be reviewed by the public;
- (d) Time of public hearing.

Section 19. COUNTY BOARD OF ADJUSTMENT. In availing itself of the powers conferred by this article, the county governing body shall provide for the appointment of a board of adjustment and may provide that the said board of adjustment shall in appropriate cases

and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning ordinance or regulations in harmony with its general purposes and interests and in accordance with general or specific rules adopted pursuant to this article.

The board of adjustment shall consist of five (5) members who shall be appointed from the residents of the county by the county governing body to serve for a term of three (3) years; provided that in establishing the board of adjustment, the county governing body may designate the terms of the members first appointed on such basis that the term of one (1) member will expire each year thereafter. Such members shall be removable for cause by the county governing body upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member by interim appointees designated by the county governing body. The board shall select its chairman and adopt rules in accordance with the provisions of any ordinance adopted pursuant to this article. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records or examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. Appeals to the board of adjustment may be taken by any person aggrieved or by any county official or administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and with the board of adjustment. The officer from whom the appeal is taken shall transmit forthwith to the board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall have the following powers:

(a) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative body or official in the enforcement of this article or of any ordinance adopted pursuant thereto;

(b) to hear and decide on requests for special exceptions to the term or provisions of the ordinance upon which such board is required to pass; and

(c) to authorize upon appeal in special cases such variance from the yard, open space, bulk and height requirements of the ordinance as will not be contrary to the public interest, where, owing to special conditions of the building site or land, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, all in order that the spirit of the ordinance shall be observed and substantial justice done; provided, however, that nothing in this act shall authorize the board of adjustment to approve a use not permitted by the zoning ordinance for the district in which the building site is located.

In exercising the above-mentioned powers such board may, in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make any such order, requirement, decision, or determination as ought to be made, and, to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called on by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Section 20. REMEDIES. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any subdivision is established, or land used in violation of this article or of any ordinance or other regulation made under the authority conferred hereby, the county attorney, or other appropriate administrative officer of the county in which the violation occurs may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or subdivision of the land or use of the land to restrain, correct, or abate such violation, or to prevent the occupancy of any such building, structure, subdivision of land or to prevent any illegal act, conduct, business, or misuse in or upon any premises regulated under the authority conferred by this article.

Section 21. APPEALS. Any party aggrieved by any final judgment or decision of a board of adjustment established pursuant to the provisions of this act may within fifteen (15) days thereafter appeal therefrom to the court having jurisdiction within the county wherein the affected property of the aggrieved party is located, by filing with such board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal such board shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken and the cause in such court shall be tried de novo.

Section 22. CONFLICT WITH OTHER LAWS. Wherever the regulations made under authority of this act require a greater width or size of yards or open spaces, or require a lower height of buildings, or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other local statute or like ordinance or regulation, the provisions of the regulations made under the authority of this act shall govern herein. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, or other open space, or require a lower height of buildings, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by regulations made under authority of this article the provisions of such statute or local ordinance or regulation shall govern.

Section 23. Any person, firm, corporation or agency who in violation of this act, fails to obtain the permit required herein or who violates any provision of the building code or zoning ordinances or other regulation, ordinance, code, shall be guilty of a misdemeanor, and upon conviction may be fined not more than \$500, or may be imprisoned in the county jail for not more than one year or may be both fined and imprisoned.

Section 24. This act shall not be construed to impair the right of eminent domain granted heretofore or hereafter by the laws of this state to utilities, whether public or private, or their right to design, locate, erect, construct, reconstruct, alter or maintain utility poles, towers, lines, conduits, pipes, or mains reasonably required in the public service, or their right to exercise authority conferred by statute, franchise, certificate of convenience and necessity, license, or easement.

Section 25. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 26. All laws or parts of laws which conflict with this act are repealed.

Section 27. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Pierce	
Bailes	Fine	King	Register	
Branyon	Foshee	Lindsey	Shelby	
Carr	Gilmore	Lybrand	Vacca	
Cooper	Givhan	Noonan	Weaver	
Dominick	Hawkins	O'Bannon	Wilder	
Dozier	Horne	Owen		—26

Nays:

—0

And said Bill, H. B. 132, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen	
Bailes	Fine	Lindsey	Pierce	
Branyon	Foshee	Lybrand	Register	
Carr	Gilmore	McLain	Shelby	
Cooper	Hawkins	Malone	Vacca	
Dominick	Horne	Noonan	Wilder	
Dozier	Jones			—25

Nays:

—0

The Bill:

H. 89. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide that all county and municipal employees in such counties shall observe and be given the same holidays as state employees.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Branyon	Clark	Cooper
Bailes	Carr	Cook	Dominick

Fine	Hawkins	Malone	Pierce
Foshee	Horne	Noonan	Vacca
Gilmore	Jones	O'Bannon	Weaver
Givhan	King	Owen	Wilder
Harris	Lindsey		

—25

Nays:

—0

The Bill:

H. 69. To amend Act No. 545, S. 562, Acts of the Regular Session 1965 (Acts 1965, p. 795), which relates to counties having populations of not less than 300,000 nor more than 500,000; providing for the compensation of members of the jury commissions in such counties, to provide further for the compensation of such commissions.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Horne	Owen
Bailes	Fine	Jones	Pierce
Branyon	Foshee	King	Register
Carr	Gilmore	Lybrand	Vacca
Clark	Givhan	McLain	Weaver
Cook	Harris	Noonan	Wilder
Cooper	Hawkins		

—25

Nays:

—0

The Bill:

S. 123. To provide staff assistants for the Commissioner of Public Works and for the Commissioner of Public Affairs in all cities having a population of not less than 70,000 nor more than 135,000 inhabitants, according to the most recent federal decennial census, which have a commission form of government.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Malone
Carr	Fine	King	Owen
Clark	Foshee	Lindsey	Pierce
Cook	Gilmore	Littleton	Vacca
Cooper	Givhan	Lybrand	Weaver
Dominick	Harris	McLain	Wilder
Dozier	Hawkins		

—25

Nays:

—0

The Bill:

H. 14. Relating to counties having a population of not less than 57,000 nor more than 61,000; requiring the rotation of duties among the county commissioners elected in each such county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen	
Bailes	Foshee	Littleton	Pierce	
Branyon	Harris	Lybrand	Register	
Carr	Hawkins	McLain	Vacca	
Clark	Horne	Malone	Weaver	
Cook	Jones	Noonan	Wilder	
Cooper	King			—25
<i>Nays:</i>				—0

The Bill:

H. 88. Relating to counties having a population of not less than 150,000 nor more than 180,000; authorizing the judge of probate, or other officer charged with issuing motor vehicle license plates, to issue such tags for use on unmarked law enforcement vehicles without charge.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Noonan	
Bailes	Foshee	Lindsey	Owen	
Branyon	Gilmore	Littleton	Pierce	
Carr	Givhan	Lybrand	Vacca	
Dominick	Harris	McLain	Weaver	
Dozier	Hawkins	Malone	Wilder	
Edington	Jones			—25
<i>Nays:</i>				—0

The Bill:

H. 161. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; providing that the county governing body may authorize the probate judge, tax assessor and tax collector to operate branch offices in the southern portion of such county; and to provide that such offices shall remain open for the transaction of business during certain periods of the year and during certain hours of each day.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen	
Bailes	Foshee	Littleton	Pierce	
Branyon	Harris	Lybrand	Register	
Carr	Hawkins	McLain	Vacca	
Clark	Horne	Malone	Weaver	
Cook	Jones	Noonan	Wilder	
Cooper	King			—25
<i>Nays:</i>				—0

The Bill:

S. 133. Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last fed-

eral decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; repealing all laws or parts of laws inconsistent with the provisions hereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen	
Carr	Fine	Lindsey	Pierce	
Clark	Foshee	Littleton	Register	
Cook	Gilmore	McLain	Vacca	
Cooper	Givhan	Noonan	Weaver	
Dominick	Horne	O'Bannon	Wilder	
Dozier	Jones			—25

Nays:

—0

The Bill:

S. 138. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent or any subsequent federal decennial census; further providing for the procedure for redeeming lands sold for taxes in such counties; transferring certain duties of the probate judge to the tax collector; relieving the probate judge of such duties; providing additional compensation for the tax collector for performing such extra, new and additional duties; and repealing conflicting acts.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen	
Bailes	Givhan	Littleton	Pierce	
Branyon	Harris	Lybrand	Register	
Carr	Hawkins	McLain	Vacca	
Dominick	Horne	Malone	Weaver	
Dozier	Jones	Noonan	Wilder	
Edington	King			—25

Nays:

—0

The Bill:

H. 173. Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most recent Federal Decennial Census; to provide additional compensation for the court reporter of the county court in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Owen	
Bailes	Foshee	King	Pierce	
Carr	Gilmore	Lindsey	Register	
Cook	Givhan	Littleton	Vacca	
Cooper	Harris	Lybrand	Weaver	
Dominick	Hawkins	McLain	Wilder	
Dozier	Horne			—25

Nays:

—0

The Bill:

H. 185. Relating to counties having populations of not less than 57,000 nor more than 61,000; to authorize and require the county governing body in such counties to furnish automobile license tags for emergency vehicles owned by volunteer fire departments in unincorporated municipalities in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen	
Bailes	Foshee	Littleton	Pierce	
Branyon	Gilmore	Lybrand	Register	
Carr	Givhan	McLain	Vacca	
Clark	Harris	Malone	Weaver	
Cook	Hawkins	Noonan	Wilder	
Edington	King			—25

Nays:

—0

The Bill:

H. 186. To amend Sections 1, 5, 10 and 11 of Act No. 1803, H. 2057, 1971 Regular Session of the Alabama Legislature, approved September 17, 1971, entitled, "An Act Relating to the Court of General Sessions of Mobile County; further providing for its jurisdiction, salaries of judges, powers, duties, costs and rules of procedure; repealing Section 22 and amending Sections 3, 8, 10, 11, 20, 21 and 23 of Act No. 40, S. 4, Second Special Session of 1956 (Acts 1956, p. 328), as amended."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	King	Owen	
Carr	Gilmore	Lindsey	Pierce	
Clark	Givhan	Littleton	Register	
Cook	Harris	Lybrand	Vacca	
Cooper	Hawkins	McLain	Weaver	
Dominick	Horne	Noonan	Wilder	
Edington	Jones			—25

Nays:

—0

The Bill:

H. 130. Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decen-

nial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties.

was again taken up.

Mr. Weaver offered the following amendment to the Bill, H. B. 130, to-wit:

AMENDMENT TO H. B. 130

Amend H. B. 130 by deleting Section 2 thereof and inserting in lieu the following:

"Section 2. Upon its passage and approval by the Governor, this Act shall become effective as of January 19, 1971."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Noonan	
Bailes	Dozier	Horne	O'Bannon	
Branyon	Fine	Jones	Owen	
Carr	Foshee	King	Pierce	
Clark	Gilmore	Lindsey	Register	
Cook	Givhan	Littleton	Weaver	
Cooper	Harris			—25

Nays:

—0

And said Bill, H. B. 130, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Malone	
Bailes	Fine	Jones	Noonan	
Branyon	Foshee	King	O'Bannon	
Carr	Gilmore	Lindsey	Owen	
Clark	Givhan	Littleton	Pierce	
Cook	Harris	McLain	Weaver	
Cooper	Hawkins			—25

Nays:

—0

The Bill:

S. 145. Relating to court houses, jails and public buildings in each county having a population of not less than 50,000 nor more than 60,000 according to the last or any subsequent federal decennial census; to authorize any such county to acquire off-street parking facilities in the vicinity of any such court house, jail or public building; to authorize any such county to sell and issue from time to time its interest-bearing warrants for the purpose of obtaining funds to finance the cost of acquiring and constructing court houses, jails and public buildings, and extensions to or improvements of existing court houses, jails or public buildings, including off-street parking facilities; to provide that such warrants shall evidence the general obligation indebtedness of any such county; to provide that such warrants may, at the discretion of the governing body of any such county, be additionally secured by a pledge or pledges of the proceeds from any tax or taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal invest-

ments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds pledged to the payment thereof; to exempt such warrants from the provisions of Chapters 6 and 8 of Title 12 of the Code of Alabama of 1940, as amended; and to provide for the severability of the provisions of this Act.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Horne	O'Bannon
Carr	Fine	Jones	Owen
Clark	Foshee	Lybrand	Register
Cook	Gilmore	McLain	Vacca
Cooper	Givhan	Malone	Weaver
Dominick	Harris	Noonan	Wilder
Dozier	Hawkins		

—25

Nays:

—0

The Bill:

S. 146. To amend Act No. 1734, H. 2563, Regular Session 1971, approved September 17, 1971, which provides for juries composed of six members for trial of certain cases in the DeKalb County Court, so as to provide further for the minimum number of jurors on the list from which the six-man jury is to be struck.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Horne	McLain
Bailes	Fine	Jones	Malone
Branyon	Foshee	King	Owen
Carr	Gilmore	Lindsey	Pierce
Clark	Givhan	Littleton	Register
Dominick	Harris	Lybrand	Weaver
Dozier	Hawkins		

—25

Nays:

—0

The Bill:

S. 147. To provide that the Judge of the Inferior Court of DeKalb County shall receive as a salary the sum of \$6,900.00 per year.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Foshee	Hawkins
Bailes	Cook	Gilmore	Horne
Branyon	Cooper	Givhan	Jones
Carr	Fine	Harris	Littleton

Lybrand	Noonan	Pierce	Vacca	
McLain	O'Bannon	Register	Weaver	
Malone	Owen			—25
Nays:				—0

The Bill:

S. 151. To provide that in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census, it shall be unlawful for any person to file for record certain legal documents that do not have legibly printed, typewritten or stamped thereon the name and address of the person or persons who prepared such legal documents, and to provide that it shall be a misdemeanor for anyone to falsify said statement; and

To further provide that in all such counties, the judge of probate shall not be liable in damages or penalty for any error or mistake in the performance of the duties prescribed by this act if committed in good faith.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce	
Clark	Foshee	McLain	Register	
Cook	Gilmore	Malone	Shelby	
Cooper	Givhan	Noonan	Vacca	
Dominick	Harris	O'Bannon	Weaver	
Dozier	Horne	Owen	Wilder	
Edington	Jones			—25

Nays: —0

The Bill:

S. 134. To provide further for the compensation of the members of the board of education of Perry County.
was again taken up.

Mr. Givhan offered the following substitute for the Bill, S. B. 134, to-wit:

SUBSTITUTE FOR S. 134

A BILL

TO BE ENTITLED

AN ACT

Relating to counties having a population of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census; to provide that the members of the county board of education be paid an expense allowance of \$50 a month.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 14,500 nor more than 15,500 inhabitants, according to the most recent federal decennial census.

Section 2. All members of the county board of education in such counties shall be paid an expense allowance of \$50 per month out of

any education funds available to the county for such purposes. The expense allowance provided for by this Act shall be in addition to any and all other expense allowances, compensation and salary provided for by law.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Owen	
Bailes	Fine	King	Pierce	
Branyon	Foshee	Lindsey	Register	
Carr	Givhan	Littleton	Vacca	
Clark	Harris	Lybrand	Weaver	
Cook	Hawkins	O'Bannon	Wilder	
Cooper	Horne			—25

Nays: —0

And said Bill, S. B. 134, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Noonan	
Bailes	Foshee	Lindsey	Pierce	
Cook	Givhan	Littleton	Register	
Cooper	Harris	Lybrand	Vacca	
Dominick	Hawkins	McLain	Weaver	
Dozier	Horne	Malone	Wilder	
Edington	Jones			—25

Nays: —0

The Bill:

S. 152. To provide for the additional indexing of land transfer instruments in probate offices in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Dominick	Foshee
Branyon	Cook	Edington	Harris
Carr	Cooper	Fine	Hawkins

Horne	Malone	Pierce	Vacca	
Jones	Noonan	Register	Weaver	
King	O'Bannon	Shelby	Wilder	
McLain	Owen			—25
Nays:				—0

The Bill:

S. 153. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, to provide further for the compensation of members of boards of registrars in such counties.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pierce	
Bailes	Fine	Lindsey	Register	
Clark	Foshee	Littleton	Shelby	
Cook	Gilmore	Lybrand	Vacca	
Cooper	Givhan	O'Bannon	Weaver	
Dominick	Horne	Owen	Wilder	
Dozier	Jones			—25
Nays:				—0

The Bill:

S. 154. To repeal Act No. 290, H. 418, 1965 Regular Session, entitled, "An Act Relating to counties having populations of not less than 100,000 and not more than 115,000 according to the most recent federal decennial census; to provide for payment by the county of per diem allowances to members of boards of registrars in such counties."

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pierce	
Branyon	Foshee	Lindsey	Register	
Carr	Gilmore	Littleton	Shelby	
Clark	Harris	Lybrand	Vacca	
Cook	Hawkins	McLain	Weaver	
Cooper	Horne	Owen	Wilder	
Dominick	Jones			—25
Nays:				—0

ADJOURNMENT

At 4:45 P. M., on motion of Mr. Bailes, the Senate adjourned until Wednesday, January 12, 1972, at 4 o'clock P. M.

SEVENTEENTH LEGISLATIVE DAY

WEDNESDAY, JANUARY 12, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Chester H. Jernigan, Pastor, Forest Park Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Fine	Jones	O'Bannon
Bailes	Foshee	King	Owen
Branyon	Gilmore	Lindsey	Pierce
Carr	Givhan	Littleton	Register
Clark	Hammond	Lybrand	Shelby
Cook	Harris	McLain	Vacca
Cooper	Hawkins	Malone	Weaver
Dominick	Horne	Noonan	Wilder
Dozier			

—32

JOURNAL

On motion of Mr. Bailes, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Sixteenth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Bailes, leaves of absence were granted Messrs. Pelham, Edington and Wilson for today.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 31. Mourning the death of Representative George Andrews.

JAMES S. CLARK,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

IN MEMORIAM

GEORGE WILLIAM ANDREWS

1906-1971

MEMBER U. S. CONGRESS

1944-1971

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 32. Naming the county Highway 63 in Marshall County that runs from U. S. 431 through Grant, Alabama to U. S. 72 the "Cathedral Caverns Highway".

Also:

S. J. R. 34. Requesting that the Corps of Army Engineers name the Columbia Lock and Dam in Houston County for George Andrews.

Also:

S. J. R. 35. Naming the county Highway 63 in Marshall County that runs from U. S. 431 through Grant, Alabama to U. S. 72 the "Cathedral Caverns Highway".

JAMES S. CLARK,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 92. To amend Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, relating to the registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Dominick, the Senate non-concurred in the following House amendment to the Bill, S. B. 92, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 92

A BILL
TO BE ENTITLED
AN ACT

To amend Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, relating to the

registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, is hereby further amended to read as follows:

"Section 3. The board of registrars shall meet for the purpose of registering qualified persons as voters or electors at the courthouse on each Monday, Tuesday and Wednesday in each week; provided, that if there is in any of the counties described in Section 1 hereof a branch courthouse, the board of registrars shall meet at such branch courthouse on the last Wednesday in each month and on the preceding Monday and Tuesday for the purpose of registering qualified persons as voters or electors; provided further, that the board of registrars shall not meet in any place unless accommodations and necessary facilities for registering qualified persons as voters or electors are furnished to the board; provided further, that the board of registrars, upon petition of twenty-five or more resident citizens of any precinct, shall meet at a city hall, fire hall or regularly designated polling place in such precinct of the county on any Thursday, Friday or Saturday of any week for the purpose of registering qualified persons as voters or electors; provided further, that the board of registrars shall not, during the two weeks immediately preceding any regular or special municipal, county, state or federal primary or general election, register any person who will be entitled to vote at such election. In the event that the board of registrars meets pursuant to the third proviso of the next preceding sentence, they shall give at least twenty days notice of the date and time when, and the place and the precinct where, they will meet to register qualified persons as voters or electors, by bills posted at three or more public places in the precinct where they will so meet, and by notice one time in a newspaper of general circulation in the county. The provisions of Sections 26, 27, Title 17, Alabama Code of 1940, and said Act No. 668, approved October 8, 1947, and of Act No. 6, General Laws of Alabama (Fourth Special Session), approved August 11, 1950, insofar as said Code sections and said acts fix the time when the board of registrars shall or may meet for registering qualified voters or electors, shall have no application in any of the counties described in Section 1 of this Act."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AMENDMENT TO THE SUBSTITUTE FOR S. B. 92

Amend Section 1, Section 3 thereof, by deleting the clause beginning on the 13th line of Section 3, beginning with the words "provided further, that the board of" and ending with the words "persons as voters or electors;" and inserting in lieu thereof the following clause:

"provided further, that the board of registrars, upon petition of 25 or more resident citizens of age 18 or over of any precinct desiring to be registered as voters or electors shall meet at the nearest or most practical city-hall or town-hall in such precinct of the county on any Thursday or Friday of any week for the purpose of registering qualified persons as voters or electors;"

and requested a Committee on Conference.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	O'Bannon	
Bailes	Foshee	Littleton	Owen	
Branyon	Gilmore	Lybrand	Pierce	
Carr	Hammond	McLain	Shelby	
Clark	Harris	Malone	Vacca	
Cook	Hawkins	Noonan	Wilder	
Dominick	Jones			—25

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Dominick, Bailes and King.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 109. To amend Section 5 of Act No. 2280, S. 478, Regular Session 1971, approved October 1, 1971, which established a county-wide personnel system for all counties having a population of not less than 150,000 nor more than 180,000, by authorizing the granting of either compensatory leave or overtime pay to employees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pierce, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 109, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. 109

In Section 5 of Act No. 2280, S. 478, Regular Session 1971, approved October 1, 1971, as set out in Section 1 of said Senate Bill 109, strike out, in its entirety, subsection (i) and substitute in lieu thereof the following:

(i) The standardization of hours of work, attendance and leave regulations, working conditions, and the development of employee morale, welfare and training. Provided, that no rule or regulation shall prohibit or prevent any employee from working over-time should it be necessary in the public interest in the opinion of the officer in whom the power to make appointments is vested by law; however, any employee who works over-time must be compensated therefor, at his sole option, either by over-time pay or by compensatory leave. For the purposes of this section "over-time work" shall be any work performed over forty (40) hours per week, on holidays or beyond the normal tour of duty, including any time spent in required attendance at court, when the time of such attendance is not within the normal tour of duty or hours of work. Any employee doing any over-time work for the city or county to which this Act applies shall immediately upon completion of the over-time duty file in writing a statement as to his election to accept over-time pay or compensatory leave as compensa-

tion for such over-time duty. Any employee allowed compensatory leave may accumulate and/or take such leave at his discretion, however, he may not carry over at the end of any fiscal year more than 20 days of such accumulated compensatory leave, unless such employee had some compensatory leave to his credit when this amendment becomes effective, in which case such employee may carry over from year to year the compensatory leave standing to his credit on such date plus 20 days. Any employee electing to accept compensatory leave as compensation for over-time work shall be entitled to one hour of leave for each hour worked over-time and he shall be given written notice of such entitlement at the end of the pay period in which he worked such over-time. No person in a supervisory capacity shall order or attempt, directly or indirectly, to persuade an employee under his supervision to take compensatory leave in lieu of over-time pay. Any person violating this provision shall be referred to the Personnel Board which shall take proper disciplinary action in the matter.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen
Carr	Foshee	Littleton	Pierce
Clark	Gilmore	Lybrand	Shelby
Cook	Givhan	McLain	Vacca
Cooper	Hammond	Malone	Weaver
Dominick	Jones	Noonan	Wilder
Dozier	King		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 71. To provide an expense allowance for the clerk of the juvenile court of any county having a population of not less than 57,000 nor more than 61,000, according to the last or any subsequent federal decennial census, where the clerk of the circuit court also serves as clerk of the juvenile court.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 71, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 71

The title to Senate Bill 71 is hereby amended by adding the following words to said title between the words "allowance" and the word "for", viz: for the register in equity of the circuit court and

Section 1 of Senate Bill 71 is stricken in its entirety and the following is substituted in lieu thereof:

"In any county having a population of not less than 57,000 nor more than 61,000, according to the last or any subsequent federal decen-

nial census where the clerk of the circuit court also serves as clerk of the juvenile court, the clerk of the juvenile court shall be entitled to receive an expense allowance of \$2,000.00 per annum, payable in equal monthly installments out of the general fund of the county. In such counties the register in equity of the circuit court shall also receive an expense allowance of \$2,000.00 per annum, payable in equal monthly installments out of the general fund of the county. Such expense allowances shall be in addition to any and all other salary, compensation or allowances payable to such clerk or register."

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Owen	
Bailes	Dozier	King	Pierce	
Branyon	Fine	Lybrand	Shelby	
Carr	Foshee	McLain	Vacca	
Clark	Harris	Malone	Weaver	
Cook	Hawkins	Noonan	Wilder	
Cooper	Horne			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 94. In relation to the regulation of facilities for child care, repealing Title 49, sections 62,100, as amended.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced severally read one time and referred to appropriate standing committees as follows:

By Mr. Harris:

S. 179. To create a State Commission on Salaries for the purpose of assisting the Legislature in ascertaining the salaries or compensation of constitutional state officers, justices and judges of state courts and certain state officers, offices and positions; to provide for the composition of the Commission, for the terms of office, method of appointment, allowances and expenses of Commission members; to provide a method of filling vacancies; to authorize the members to select a Chairman; to provide for a Secretary of the Commission; to fix salaries or compensation for said state officers, justices, judges, offices and positions; to direct and empower the Commission to make findings of fact pertaining to the amounts of such salary or compensation; to provide for the filing of written reports of the results and determinations of each study conducted by the Commission; to provide for the alteration or rejection by Act of Legislature of the determinations made by the Commission; to provide for the effective date of the establishment of such salaries or compensation; to provide for the filing of any reports of the Commission with certain offices; to appropriate sufficient monies to pay for the salaries or compensation of the officers, offices and positions affected by this act.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Harris:

S. 180. To provide for the control of and the procedure concerning purchases made by circuit judges of law books, equipment, robes and other materials and supplies reasonably necessary and essential for the operation of his office or court.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Cooper:

S. 181. To provide for the reapportionment of the Alabama Legislature by giving weighted votes to each member of the House and Senate in accordance to the total number of persons residing within the district they represent; to provide that the Secretary of State shall automatically reapportion the Legislature of Alabama after each federal decennial census by automatically figuring and proclaiming the weight of the vote that shall be cast by each member of the House and Senate of the Alabama Legislature.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. McLain:

S. 182. To amend further Section 3 of Act No. 402, General Acts 1945, page 624, entitled "An Act relating to Aeronautics; providing for the promotion, encouragement, development and regulation thereof within this State; creating a State Department of Aeronautics consisting of a State Aeronautics Commission and a Director of Aeronautics; prescribing their respective duties and powers; providing for the transfer from the Alabama Aviation Commission to the Department of Aeronautics all properties, personnel and funds held by, and all matters and subjects handled by, said Aviation Commission; providing for an Aeronautics Department fund and an Airport Development Fund and making appropriations therefor; prescribing penalties and making uniform the law with reference to state development and regulation of aeronautics, as last amended.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Lybrand:

S. 183. To amend Act No. 730, Acts of Alabama, Reg. Sess. 1967, approved September 8, 1967, to authorize, provide for, and regulate the reimbursement out of the state treasury of certain expenses incurred by judges of Alabama attending and participating in the National College of State Trial Judges and other colleges and conferences.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Noonan:

S. 184. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 8(11) of such Act, so as to revise the qualifications of appraisers employed to appraise the property in each county.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Noonan:

S. 185. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 6 of such Act, so as to revise the qualifications of appraisers employed to review assessment systems.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Noonan:

S. 186. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 8 (I) of such Act, so as to revise the qualifications of appraisers employed to review assessment systems.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Hammond:

S. 187. To amend Code of Alabama 1940, Title 48, Section 5, which relates to members of the Alabama Public Service Commission, by revising the local residence requirements for said commissioners.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Noonan:

S. 188. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 13 of such Act, as to the use of funds to pay the cost of appraisal systems.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Noonan:

S. 189. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 6 of such Act, so as to revise the qualifications of appraisers employed to review assessment systems.

Committee on Commerce, Transportation
and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 132. To provide for a comprehensive land management and use program in flood-prone areas of this state and to allow governmental units of Alabama to meet the requirements of the National Flood Insurance Act of 1968; to declare the public need for such program; to define terms; to authorize the county governing body in each county to prescribe criteria for land management and use in such areas,

including control measures, subdivision planning requirements, building and health code requirements; to require certain permits prior to commencing construction; and to prescribe penalties for violations.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 59. To provide the manner and method by which Statewide Property Reappraisal shall be carried out and to spell out the responsibilities of all parties concerned and to provide for the enforcement of such a program by the Department of Revenue of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 57. To amend Title 51, Section 17, Code of Alabama 1940, so as to provide for a system of classification of property for ad valorem tax purposes, and to provide alternative procedures with respect to ad valorem taxes levied by any authority other than the State; to describe and define the various classes of property and to fix with respect to such classes the ratios of assessed value to the fair and reasonable market value of property within such classes; to provide for certain exemptions from taxation.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 56. Proposing an amendment to Article XI, Section 217 of the Constitution of Alabama 1901 relative to ad valorem taxation; providing for the assessment of taxable property for ad valorem tax purposes according to a classification of property with respect to ad valorem taxes levied by the State, and providing alternate methods of assessment of taxable property with respect to ad valorem taxes levied by any taxing authority other than the State.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 94. To redistrict the state and provide for the election of congressmen by district, amending Code of Alabama 1940, Title 17, Section 425, as amended.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 152. To Amend Section 35 of Act No. 30, approved May 31, 1963, Relating to The Official Court Reporter For The County Court of Marshall County, Alabama.

Also:

H. 169. To amend Sections 7 and 14 of Act No. 1981, H. 732, 1971 Regular Session, effective September 30, 1971, entitled:

"To establish the Alabama Peace Officers Standards and Training Commission; to prescribe its functions, duties and powers relating to the selection, recruitment and training of law enforcement officers and the work of law enforcement agencies in the State; to prescribe minimum standards for law enforcement officers; to grant to the Commission power to establish standards and issue and promulgate rules and regulations; to make the violation of certain provisions of this Act or the standards, rules and regulations of the Commission a misdemeanor; to establish the Alabama Peace Officers Standards and Training Commission Fund to make biennial appropriations from such Fund to the Commission for the fiscal years 1971-72 and 1972-73; to authorize participation in the program of the Commission by State, county and municipal law enforcement agencies."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 4. To make additional appropriations to the Divisions of Game and Fish, Water Safety, Administrative and State Parks of the Department of Conservation and Natural Resources.

Also:

H. 5. To make appropriations from the Water Safety Fund in the State Treasury for Division of Water Safety capital improvements.

Also:

H. 90. To make a supplemental appropriation to the Bureau of Credit Unions of the Department of Banking for the fiscal years ending September 30, 1972 and September 30, 1973.

Also:

H. 103. To make appropriations from the Alabama special educational trust fund in the state treasury for the use and benefit of The State Training School for Girls.

Also:

H. 117. To make additional appropriation to the Banking Department Bureau of Loans.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, Your signature thereto is requested.

H. 14. Relating to counties having a population of not less than 57,000 nor more than 61,000; requiring the rotation of duties among the county commissioners elected in each such county.

Also:

H. 69. To amend Act No. 545, S. 562, Acts of the Regular Session 1965 (Acts 1965, p. 795), which relates to counties having populations of not less than 300,000 nor more than 500,000; providing for the compensation of members of the jury commissions in such counties, to provide further for the compensation of such commissions.

Also:

H. 88. Relating to counties having a population of not less than 150,000 nor more than 180,000; authorizing the judge of probate, or other officer charged with issuing motor vehicle license plates, to issue such tags for use on unmarked law enforcement vehicles without charge.

Also:

H. 89. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide that all county and municipal employees in such counties shall observe and be given the same holidays as state employees.

Also:

H. 161. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; providing that the county governing body may authorize the probate judge, tax assessor and tax collector to operate branch offices in the southern portion of such county; and to provide that such offices shall remain open for the transaction of business during certain periods of the year and during certain hours of each day.

Also:

H. 173. Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most recent Federal Decennial Census; to provide additional compensation for the court reporter of the county court in such counties.

Also:

H. 185. Relating to counties having populations of not less than 57,000 nor more than 61,000; to authorize and require the county governing body in such counties to furnish automobile license tags for emergency vehicles owned by volunteer fire departments in unincorporated municipalities in such counties.

Also:

H. 186. To amend Sections 1, 5, 10 and 11 of Act No. 1803, H. 2057, 1971 Regular Session of the Alabama Legislature, approved September 17, 1971, entitled, "An Act Relating to the Court of General Sessions of Mobile County; further providing for its jurisdiction, salaries of judges, powers, duties, costs and rules of procedure; repealing Section 22 and amending Sections 3, 8, 10, 11, 20, 21 and 23 of Act No. 40, S. 4, Second Special Session of 1956 (Acts 1956, p. 328), as amended."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 56. Proposing an amendment to Article XI, Section 217 of the Constitution of Alabama 1901 relative to ad valorem taxation; providing for the assessment of taxable property for ad valorem tax purposes according to a classification of property with respect to ad valorem taxes levied by the State, and providing alternate methods of assessment

of taxable property with respect to ad valorem taxes levied by any taxing authority other than the State.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 90. Recommending that the Montgomery City-County Charity Clinic be named the "Lister Hill Health Center".

Also:

H. J. R. 91. Urging Congress to enact the Surface Transportation Act of 1971.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Mr. Wilder offered the following Senate Joint Resolution, to-wit:

S. J. R. 48. MOURNING THE DEATH OF DR. E. O. MAJURE

WHEREAS Dr. E. O. Majure, age 67, and a resident of Tallassee recently passed away. He was extremely active in the conservation field in Alabama and was a general practitioner in the field of medicine; and

WHEREAS Dr. Majure contributed immeasurably to conservation in Alabama and the South. His primary interests were in the fields of water pollution, land use practices and wild life conservation. He was an amazing individual who gave unselfishly of his time, energy and finances to conservation in his home state of Alabama and the South; and

WHEREAS he was a true Southern gentleman, and a genuine conservationist, whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to the betterment of mankind and left his state better than he found it, his life having not been lived in vain; and

WHEREAS Dr. Majure was a prominent and influential leader in the civic, social and religious life of his city. He was a 1932 graduate of the Emory Medical School, an Army Colonel in the Medical Corps during World War II, a founder of Bama Park recreation area at Lake Martin, the wild life representative on the Alabama Water Improvement Commission for several years, a member of the Elmore County and Alabama State Medical Associations, he was Alabama's "Conservationist of the Year" for 1961, twice president of the Alabama Wild Life Federation and a loyal and devoted member of the Tallassee Methodist Church; and

WHEREAS this great man was one of the most outstanding conservationists the South has ever produced. He was a farsighted pioneer and a man of vision, ability and determination and inspiring courage who at the end was an eminent leader in the fight against the misuse of pesticides. Dr. Majure's sound judgment, calm reasoning and skillful direction steered conservation through many rough seas and onto a straight and purposeful course; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it mourns the death of this great man, Dr. E. O. Majure and by this resolution we will perpetuate in our State's Archives the memory of this gallant conservationist who contributed so much to the progress of Alabama. This Legislature extends its heartfelt condolences to the members of his family.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to members of his family.

On motion of Mr. Wilder, the Rules were suspended and the Resolution was adopted by the Senate.

POINT OF PERSONAL PRIVILEGE

Mr. Hammond stated that had he been present when the vote was taken on passage of the Bills, H. B.'s 4 and 5, he would have voted "Yea".

RESOLUTIONS

Messrs. Lybrand, Pierce, Gilmore, Dominick, Hawkins, Jones, Bailes, King, Carr, Fine, Shelby and Weaver offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE CONCURRING, That when the two Houses adjourn today, they adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

Mr. Horne offered the following Senate Joint Resolution, to-wit:

S. J. R. 50. CONGRATULATING OUR BELOVED GOVERNOR, GEORGE C. WALLACE, FOR HIS SELECTION AS ONE OF THE TEN MOST ADMIRRED MEN IN THE WORLD TODAY

WHEREAS the Gallup Poll has published its list of the "ten most admired men in the world today"; and

WHEREAS this annual audit of the most admired men in the world today by the Gallup Poll is based upon samples designed to represent the views of the entire adult population, 18 years and older. Survey respondents being asked to give their choices, without being handed a list of names, and

WHEREAS our beloved Governor, George C. Wallace, has been selected by the American people as one of the ten most admired men in the world for the year 1971 according to this most recent Gallup Poll carried out on December 10-13; and

WHEREAS the people of Alabama rejoice in the knowledge that their beloved Governor is held in high esteem by people of all walks of life in America today; and

WHEREAS his articulate, forthright and forceful presentation of his opinions on issues facing the American people today has established him as a leader among men in this great America; and

WHEREAS our beloved Governor earned this worthy achievement over a host of government and international officials including Senators Eugene McCarthy, J. William Fulbright, Barry Goldwater, Mike Mansfield, George McGovern, Strom Thurmond, Howard Baker and John Stennis; Representative Wilbur Mills; Governor Nelson Rockefeller; Secretaries John Connally and George Romney; New York Mayor John Lindsay, Chicago Mayor Richard Daley; General Maxwell Taylor and General William Westmoreland; and International Leaders: Israel's Moshe Dayan, Great Britain's Prince Philip, France's Georges Pompidou, Canada's Pierre Trudeau, West Germany's Willy Brandt; and

WHEREAS this legislative body and all of the people of Alabama note with great pride that this highly esteemed honor has been awarded to our beloved Governor and through him to the people of Alabama; now therefore—

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our warmest congratulations to our beloved Governor George C. Wallace for being selected as one of the ten most admired men in the world for 1971.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to Governor Wallace and the members of his family.

Which was read and referred to the Standing Committee on Rules.

Messrs. Pierce, Carr, Jones, Bailes, Dominick, Gilmore, Lybrand and Lindsey offered the following Senate Joint Resolution, to-wit:

S. J. R. 51. WHEREAS, the Legislature was called into extraordinary session to consider the ad valorem tax situation, and

WHEREAS, the ad valorem tax package has been passed by the House of Representatives and the Senate and the House has now concurred the Senate amendments, and

WHEREAS, the Governor of the State of Alabama, on more than one occasion, has berated the Legislature for prolonging this session, and

WHEREAS, the Administration has now caused to be introduced several very controversial bills, and

WHEREAS, it is common knowledge that the introduction of these bills will only result in further extending this session, and in the words of the Governor, "How much longer must we endure the squandering of tax dollars?" now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that when they adjourn today, they adjourn to meet again on next Wednesday, January 19th, and when they adjourn on Wednesday, January 19th, they adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 128, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message From the Governor concerning House Bill Number 128 and containing a suggested Executive Amendment.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

Done This 20th Day of December, 1971.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 128 without my signature and approval and with the following suggested Executive Amendments.

I suggest that the Title of House Bill Number 128 be amended to read as follows:

"To exempt from all state, county and municipal sales and use taxes all medicines prescribed by a physician for persons 65 years of age or older; to provide acceptable means of proof of age for the purposes of this Act; to provide a penalty for the filing of any false proof of age; and to repeal all laws which are in conflict with this Act and especially Act Number 2128, Acts of Alabama 1971, Regular Session, approved September 20, 1971."

I further suggest that Section 5 of House Bill Number 128 be amended to read as follows:

"Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 128, by a vote of Yeas 76, Nays 0, which was a majority of the whole number elected to the House.

And said Bill:

H. 128. To exempt from all state, county and municipal sales and use taxes all medicines prescribed by a physician for persons 65 years of age or older; to provide acceptable means of proof of age for the purposes of this Act; to provide a penalty the filing of any false proof of age; and to repeal all laws which are in conflict with this Act and especially Act Number 2128, Acts of Alabama 1971, Regular Session, approved September 20, 1971.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of Yeas 76, Nays 0, which was a majority of the whole number elected to the House.

And said bill together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Vacca, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 128, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Owen	
Bailes	Fine	Lindsey	Pierce	
Branyon	Foshee	Littleton	Shelby	
Clark	Gilmore	Lybrand	Vacca	
Cook	Givhan	Malone	Weaver	
Cooper	Hammond	Noonan	Wilder	
Dominick	Hawkins			—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 128, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Owen	
Bailes	Fine	Lindsey	Pierce	
Branyon	Foshee	Littleton	Shelby	
Clark	Gilmore	Lybrand	Vacca	
Cook	Givhan	Malone	Weaver	
Cooper	Hammond	Noonan	Wilder	
Dominick	Hawkins			—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 57. To amend Title 51, Section 17, Code of Alabama 1940, so as to provide for a system of classification of property for ad valorem tax purposes, and to provide alternative procedures with respect to ad valorem taxes levied by any authority other than the State; to describe and define the various classes of property and to fix with respect to such classes the ratios of assessed value to the fair and reasonable market value of property within such classes; to provide for certain exemptions from taxation.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 59. To provide the manner and method by which Statewide Property Reappraisal shall be carried out and to spell out the responsibilities of all parties concerned and to provide for the enforcement of such a program by the Department of Revenue of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 132. To provide for a comprehensive land management and use program in flood-prone areas of this state and to allow governmental units of Alabama to meet the requirements of the National Flood Insurance Act of 1968; to declare the public need for such program; to define terms; to authorize the county governing body in each county to prescribe criteria for land management and use in such areas, including

control measures, subdivision and planning requirements, building and health code requirements; to require certain permits prior to commencing construction; and to prescribe penalties for violations.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Bailes, further consideration of the Bill, S. B. 103, was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The Bill.

H. 86. To provide a cost of living increase to certain retired members of the Employees' Retirement System of Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Noonan	
Bailes	Fine	King	O'Bannon	
Branyon	Foshee	Lindsey	Owen	
Carr	Gilmore	Littleton	Pierce	
Clark	Givhan	Lybrand	Shelby	
Cook	Hammond	Malone	Wilder	
Cooper	Hawkins			—25

Nays:

—0

The Bill:

H. 107. To exempt authorities now or hereafter organized under the provisions of Act No. 107 adopted at the 1965 First Special Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Pierce	
Bailes	Fine	Lindsey	Register	
Branyon	Foshee	Littleton	Shelby	
Clark	Givhan	Malone	Weaver	
Cooper	Hammond	Noonan	Wilder	
Dominick	Hawkins	Owen		—22

Nays:

—0

RESOLUTIONS

Mr. Wilder offered the following Senate Joint Resolution, to-wit:

S. J. R. 52. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING That when the two Houses adjourn today January 12, 1972 they adjourn to meet again on Tuesday, February 8, 1972. Said recess being without pay.

Which was read and referred to the Standing Committee on Rules.

Mr. Bailes offered the following Senate Joint Resolution, to-wit:

S. J. R. 53. I now move that when the two houses adjourn today they meet again Wednesday, January 19, 1972 at 2 P. M.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 130. Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties.

JOHN W. PEMBERTON,
Clerk.

REPORTS OF COMMITTEES

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carr:

S. 171. Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties.

By Mr. Malone:

S. 172. To amend Section 1 of Act No. 1002, Regular Session, 1971, of the Alabama Legislature, an act relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census, authorizing the constable serving the county court to appoint a deputy constable, and providing for the term, duties and compensation of such deputy constable.

By Mr. Foshee:

S. 173. Relating to counties having a population of not less than 13,000 nor more than 13,250 according to the most recent federal decennial census; to provide further for the compensation of the Board of Registrars.

By Mr. Dozier:

S. 174. Relating to counties having a population of not less than 21,924, nor more than 22,960, according to the most recent Federal Decennial Census; providing expense allowances for the members of the County Commission of said counties.

By Mr. McLain (with notice and proof):

S. 177. To authorize and create an additional judge of the Madison County Court and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other judge of the Madison County Court, to provide for the designation of each of the two positions of the judges of the Madison County Court by number and to provide for the salary of the additional judge.

By Mr. McLain:

S. 178. Relating to Solicitor's or District Attorney's Funds in judicial circuits consisting of one county and one county having not less than 175,000 nor more than 300,000 according to the most recent federal decennial census.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 130. Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 124. To make an appropriation from the Alabama Special Education Trust Fund to the Enterprise High School Band for the purpose of representing Alabama at the 1972 Olympic games in Munich, Germany.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 2.

Yeas:

Messrs.:	Dozier	Littleton	Register
Branyon	Fine	Lybrand	Shelby
Carr	Foshee	McLain	Vacca
Clark	Givhan	Owen	Wilder
Cooper			

—16

Nays: Messrs. O'Bannon, Pierce

—2

The Bill:

S. 159. To make a conditional supplemental appropriation from the Special Educational Trust Fund to the Speech and Hearing Center at the University of Montevallo for the fiscal years ending September 30, 1972 and September 30, 1973.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	O'Bannon
Bailes	Fine	Lindsey	Owen
Branyon	Foshee	Littleton	Pierce
Clark	Givhan	Lybrand	Register
Cooper	Harris	Malone	Vacca
Dominick	Hawkins	Noonan	Wilder

—23

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gloor:

H. J. R. 92. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Wednesday, January 19, 1972.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 92, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 117. To Amend Act No. 2, (Second Special Session) 1971. So as to change the appropriation made in Section 2, F (23) (e) thereof.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Givhan	Lindsey	Owen
Bailes	Hammond	Littleton	Pierce
Branyon	Hawkins	Lybrand	Register
Carr	Jones	Noonan	Shelby
Cooper	King	O'Bannon	Wilder
Fine			

—20

Nays:

—0

The Bill:

S. 157. To amend Section 713, Title 7, Code of Alabama 1940 as last amended, to allow legal advertisement in any newspaper regardless of where such newspaper is printed; and requiring such newspapers to be published for at least fifty-one weeks a year.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Owen	
Bailes	Foshee	King	Pierce	
Branyon	Gilmore	Lindsey	Register	
Carr	Givhan	Littleton	Shelby	
Clark	Hammond	Lybrand	Vacca	
Cooper	Harris	Noonan	Weaver	
Dozier	Hawkins	O'Bannon	Wilder	—27

Nays:

—0

RESOLUTION

Mr. Bailes offered the following Senate Joint Resolution, to-wit:

S. J. R. 54. BE IT RESOLVED BY THE SENATE OF ALABAMA THE HOUSE CONCURRING that the Legislature stand in adjournment until 4 P. M. Tuesday, February 15, 1972 without pay.

Which was lost.

Yeas 9; Nays 21.

Yeas:

Messrs.:	Cooper	Gilmore	Shelby	
Carr	Dominick	Register	Wilder	
Cook	Fine			—9

Nays:

Messrs.:	Givhan	Lindsey	Noonan	
Bailes	Hammond	Littleton	O'Bannon	
Branyon	Harris	Lybrand	Owen	
Clark	Hawkins	McLain	Pierce	
Dozier	Jones	Malone	Weaver	
Foshee	King			—21

MOTION TO RECONSIDER

Mr. Shelby moved that the Senate reconsider the votes by which the Bills, S. B.'s 151 and 152, were passed on the Sixteenth Legislative Day, which motion was adopted, and by unanimous consent the Senate did reconsider said votes.

On motion of Mr. Shelby, further consideration of the Bills, S. B.'s 151 and 152, was postponed temporarily.

BILLS ON THIRD READING RESUMED

The Bill:

S. 166. Relating to counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county.

was taken up.

Mr. Hammond offered the following substitute for the Bill, S. B. 166, to-wit:

SUBSTITUTE FOR S. B. 166

A BILL

TO BE ENTITLED

AN ACT

Relating to counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census, is hereby authorized to employ any necessary clerks for the Board of Registrars of said counties, with compensation for each clerk not to exceed \$1,000.00 annually and to be paid out of the general funds of said counties. It is further provided that the allowance paid to said clerk shall not exceed the total amount paid to the members of the Board of Registrars for each day's service and it is further provided that the allowance to be paid to the clerk be paid upon vouchers signed by said clerks and the Chairman of the Board of Registrars and subscribed by the Probate Judge of said counties. The duties of said clerk and the days of work of said clerk shall be prescribed by the board of Registrars.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Carr	Foshee	Lindsey	Pierce
Clark	Gilmore	McLain	Shelby
Cook	Hammond	Malone	Vacca
Cooper	Hawkins	Noonan	Weaver
Dominick	Horne	O'Bannon	Wilder
Dozier	Jones		

—25

Nays:

—0

And said Bill, S. B. 166, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Carr	Foshee	Lindsey	Pierce
Clark	Gilmore	Littleton	Shelby
Cook	Hammond	Malone	Vacca
Cooper	Hawkins	Noonan	Weaver
Dominick	Horne	O'Bannon	Wilder
Dozier	Jones		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Lyons, Jackson and Williams:

H. 230. To amend Section 1 of Act No. 1403, H. 46, approved September 17, 1971, entitled "An Act To provide for inspection of certain petroleum products, including those commonly known as gasoline, naphtha, diesel fuel, kerosene and lubricating oil, that are sold, offered for sale, used or stored in the State of Alabama; to provide for the issuance by the Commissioner of Agriculture and Industries of permits for selling, offering for sale, storing or using such petroleum products and to require the making of applications for such permits and payments of a permit fee; to authorize the Board of Agriculture and Industries to establish minimum standards for such petroleum products; to require compliance with such standards; to provide for enforcement of this act, including provisions for maintenance of records and for labeling, sampling and testing such products, provisions prohibiting adulteration thereof, and provisions for penalties for violation of this act; to prohibit the sale, offering for sale, storage or use in this State of petroleum products not meeting the said standards; to impose an inspection fee in respect of each such petroleum product; to provide for the disposition of such inspection fees and any penalties collected under this act; to provide that violation of this act constitutes a misdemeanor; and to repeal Article 21 of Chapter 1 of Title 2 of the Code of Alabama of 1940 and subdivision 2 of Article 26 of the said Chapter 1."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 230. To the Committee on Commerce, Transportation and Common Carriers.

MOTION TO ADJOURN LOST

At 5:25 P. M., Mr. Lindsey moved that the Senate adjourn sine die, which motion was lost.

Yeas 12, Nays 18.

Yeas:

Messrs.:	Fine	Lindsey	Shelby	
Bailes	Gilmore	Lybrand	Weaver	
Carr	King	Register	Wilder	
Cooper				—12

Nays:

Branyon	Foshee	Jones	O'Bannon	
Clark	Givhan	Littleton	Owen	
Cook	Hammond	McLain	Pierce	
Dominick	Harris	Noonan	Vacca	
Dozier	Hawkins			—18

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 52. To amend further Section 1 of Act No. 122, H. 91, Special Session 1965 (Acts 1965, p. 175), as last amended, which provides expense allowances for the chairman or presiding judge and members of the governing body of certain counties having a population of not less than 13,000 nor more than 13,250.

Also:

S. 95. Relating to counties having a population of not less than 22,250 nor more than 23,000, according to the last or any subsequent federal decennial census; providing an expense allowance for the probate judge of such county.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 8. Validating contracts entered into on Sunday either before or after the effective date of the Act, and repealing Section 21, of Title 9, Alabama Code of 1940.

Also:

S. 9. Abolishing the requirement for the recitation of consideration in deeds and other conveyances of land and validating deeds and other conveyances heretofore executed and not containing such a recitation.

Also:

S. 12. Forbidding the recording of certain instruments describing land by unrecorded plats and providing a penalty for the making of false recitations as to the unavailability of plats.

Also:

S. 13. Forbidding the recording of certain instruments failing to recite the marital status of the grantor and providing a penalty for the making of false recitations as to such status.

JOHN W. PEMBERTON,
Clerk.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 92. Relative to adjournment of the two Houses until Wednesday, January 19, 1972.

Mr. Gilmore offered the following substitute for the Resolution, H. J. R. 92, to-wit:

SUBSTITUTE FOR H. J. R. 92

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Wednesday, January 19, 1972, and when they adjourn Wednesday, January 19, 1972, they adjourn sine die.

Which was lost.

Mr. Harris offered the following amendment to the Resolution, H. J. R. 92, to-wit:

AMENDMENT TO H. J. R. 92

Amend H. J. R. 92 by adding at the end thereof the following:

"During the period of recess the Legislature shall serve without pay."

Which was lost.

Mr. Wilder offered the following substitute for the Resolution, H. J. R. 92, to-wit:

SUBSTITUTE FOR H. J. R. 92

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING That when the two Houses adjourn today January 12, 1972 they adjourn to meet again on Tuesday, February 8, 1972. Said recess being without pay.

Which was lost.

Yeas 10, Nays 18.

Yeas:

Messrs.:	Cooper	Lybrand	Weaver	
Bailes	Fine	Register	Wilder	
Carr	Gilmore	Shelby		—10

Nays:

Branyon	Hammond	Lindsey	O'Bannon	
Clark	Harris	Littleton	Owen	
Dozier	Hawkins	McLain	Pierce	
Foshee	Jones	Malone	Vacca	
Givhan	King			—18

Mr. Littleton offered the following substitute for the Resolution, H. J. R. 92, to-wit:

SUBSTITUTE FOR H. J. R. 92

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING that when the two Houses adjourn today they meet on Wednesday, January 19, 1972 and that when we meet Wednesday, January 19, 1972 we adjourn until February 23, 1972 without pay for the period January 19, 1972 until February 23, 1972.

Which was adopted.

On motion of Mr. Bailes, said Resolution, as thus amended by the substitute, was then concurred in and adopted by the Senate.

ADJOURNMENT

At 6:10 P. M., on motion of Mr. Bailes, in accordance with Joint Resolution heretofore adopted by the Senate, the Senate adjourn until Wednesday, January 19, 1972, at 4 o'clock P. M.

EIGHTEENTH LEGISLATIVE DAY

WEDNESDAY, JANUARY 19, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Senator L. D. Owen, Jr., from the Twenty-fifth Senatorial District.

ROLL CALL

Present:

Messrs.:	Dozier	Horne	Owen
Bailes	Fine	Jones	Pelham
Branyon	Foshee	King	Register
Carr	Gilmore	Littleton	Shelby
Clark	Givhan	Lybrand	Vacca
Cook	Hammond	McLain	Weaver
Cooper	Harris	Malone	Wilder
Dominick	Hawkins	Noonan	Wilson

—31

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Fine, leaves of absence were granted Messrs. Edington, Lindsey, O'Bannon and Pierce for today.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 8. Validating contracts entered into on Sunday either before or after the effective date of the Act, and repealing Section 21, of Title 9, Alabama Code of 1940.

Also:

S. 9. Abolishing the requirement for the recitation of consideration in deeds and other conveyances of land and validating deeds and other conveyances heretofore executed and not containing such a recitation.

Also:

S. 12. Forbidding the recording of certain instruments describing land by unrecorded plats and providing a penalty for the making of false recitations as to the unavailability of plats.

Also:

S. 13. Forbidding the recording of certain instruments failing to recite the marital status of the grantor and providing a penalty for the making of false recitations as to such status.

Also:

S. 52. To amend further Section 1 of Act No. 122, H. 91, Special Session 1965 (Acts 1965, p. 175), as last amended, which provides expense allowances for the chairman or presiding judge and members of the governing body of certain counties having a population of not less than 13,000 nor more than 13,250.

Also:

S. 71. To provide an expense allowance for the register in equity of the circuit court and for the clerk of the juvenile court of any county having a population of not less than 57,000 nor more than 61,000, according to the last or any subsequent federal decennial census, where the clerk of the circuit court also serves as clerk of the juvenile court.

Also:

S. 94. In relation to the regulation of facilities for child care, repealing Title 49, sections 62-100, as amended.

Also:

S. 95. Relating to counties having a population of not less than 22,250 nor more than 23,000, according to the last or any subsequent federal decennial census; providing an expense allowance for the probate judge of such county.

Also:

S. 109. To amend Section 5 of Act No. 2280, S. 478, Regular Session 1971, approved October 1, 1971, which established a county-wide personnel system for all counties having a population of not less than 150,000 nor more than 180,000, by authorizing the granting of either compensatory leave or overtime pay to employees.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committee, as follows:

By Messrs. Dominick & Bailes:

S. 190. To amend § 42 of Title 46, Code of Alabama 1940, which section relates to persons who may practice as attorneys by authorizing senior law students to perform, without compensation, acts enumerated in said section.

Committee on Judiciary.

By Messrs. Wilson, Pelham, Givhan, Hammond, Branyon and Clark:

S. 191. To amend the definition of a political party eligible to conduct primary elections; to amend Title 17, Section 337 and 412, Code of Alabama, 1940, as amended; to provide that the requirement for determination of a political party be based on a percentage of the total votes cast for a county or state constitutional officers.

Committee on Constitution and Elections.

By Messrs. Wilson, Pelham, Givhan, Hammond, Branyon and Clark:

S. 192. To provide for presidential preferential primary elections; to require all political parties which elect to hold primary elections for nomination of state, district, or federal officers to hold such presidential preferential primary elections; to provide for the conduct of such elections; to provide for the selection of candidates for such election; to provide for the selection of convention delegates by such presidential preferential primary election; to provide for the form of ballot for such primary and to prohibit certain political parties from selecting delegates to national political conventions under certain circumstances.

Committee on Constitution and Elections.

By Messrs. Wilson, Pelham, Givhan, Hammond, Branyon and Clark:

S. 193. To provide that the names of candidates for President and Vice President of the United States shall appear on the official ballot in general elections; to describe the form of ballot to be used in such election and to provide the method of determining the names of such Presidential and Vice Presidential candidates; and to further provide for the form of the ballot when elector candidates are unpledged to any Presidential or Vice Presidential candidate.

Committee on Constitution and Elections.

By Messrs. King and Vacca:

S. 194. To amend Section 587 of Title 37, Code of Alabama, 1940, as amended, relating to appeal from Recorder's Court.

Committee on Judiciary.

By Mr. Foshee:

S. 195. Providing further for the regulation of transportation companies and public utilities; establishing and providing for a state department of transportation and utilities, a board to be known as the Alabama board of transportation and utilities, and the offices of administrator of transportation and utilities and of executive assistant to such administrator; providing that such department shall be in charge of an administrator who shall be appointed by and serve at the pleasure of and whose actions shall be supervised and controlled by a legislative committee on transportation and utilities, which is hereby created and provided for; prescribing the qualifications, powers, duties, and compensation of the administrator; providing for the appointment of the board of transportation and utilities, and prescribing the powers, duties and authority of such board; prescribing the qualifications, compensation, term of office and duties of the members of such board; prescribing certain procedures for rule, order and decision making by the board of transportation and utilities, regulating hearings before such board, and providing for appeals from its orders, determinations, rules and regulations; abolishing the Alabama Public Service Commission and transferring the functions, funds, personnel, records, equipment, furniture, fixtures and other property and effects, some to the department of transportation and utilities and some to the board.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Jones:

S. 196. To clarify the requirements of law respecting publication of certain municipal ordinances and resolutions; and to validate certain leases heretofore entered into by municipalities, notwithstanding the fact that the ordinance or resolution authorizing any such lease was not published.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Jones:

S. 197. To make appropriations from the Alabama Special Education Trust Fund in the State Treasury for the use and benefit of the Alabama Industrial School, Mt. Meigs, Alabama.

Committee on Finance and Taxation.

By Mr. Jones:

S. 198. To authorize the State Treasurer to withdraw from capital outlay funds the unexpended balance from the sum appropriated for

such purposes, to Mt. Meigs Industrial School by Act No. 761, H. 622, Regular Session 1969, and to appropriate said balance to the school for operation and maintenance.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Dozier:

S. 199. To be known as the "Consumer Protection Bill," prohibiting the commission of certain fraudulent and deceptive practices; creating the Alabama Consumer Council and providing for the membership and powers thereof; creating a Division of Consumer Services and prescribing the duties thereof; providing for administration and enforcement of the Act; and providing penalties; providing appropriations.

(The President and Presiding Officer of the Senate asked if there were any objection to the above Bill, S. B. 199, being referred to the Standing Committee on Commerce, Transportation and Common Carriers. There being no objection, said Bill was so referred.)

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Register:

S. 200. To amend further Sections 5 and 22 of Act No. 2485, S. 483, 1971 Regular Session, approved October 1, 1971, entitled "An Act To further amend Act No. 422 of the 1951 Regular Session of the Legislature of Alabama, as amended; to regulate through licensure the business, occupation, or calling of real estate brokers, and real estate salesmen; defining terms; creating the Alabama Real Estate Commission, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for obtaining a license to engage in such business, occupation, or calling, providing for the suspension or revocation of licenses issued; providing penalties for violations of this Act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws," so as to provide further for the qualification of licensees and to change the effective date of said Act to October 1, 1972.

Committee on Commerce, Transportation
and Common Carriers.

MOTION IN WRITING

Mr. Lybrand offered the following Motion in Writing, to-wit:

"MOTION IN WRITING"

"I move that the Senate stand in informal recess for the purpose of all receiving House Messages and then adjourn until February 23 at 4:00 P. M."

"Lybrand"

Mr. Cooper requested a division of the question, which request was granted.

The President and Presiding Officer put the first portion of the above Motion in Writing, relative to the Senate standing in informal recess, which motion was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	McLain	
Bailes	Dozier	Horne	Register	
Branyon	Fine	Jones	Vacca	
Carr	Foshee	King	Weaver	
Clark	Gilmore	Littleton	Wilder	
Cook	Givhan	Lybrand	Wilson	
Cooper	Hammond			—25
<i>Nays:</i>				—0

The President and Presiding Officer then put the second portion of said Motion in Writing, relative to adjournment until February 23, 1972, which motion was adopted.

Yeas 15; Nays 14.

Yeas:

Messrs.:	Dozier	Jones	Register	
Bailes	Fine	King	Vacca	
Carr	Foshee	Littleton	Weaver	
Dominick	Gilmore	Lybrand	Wilder	—15

Nays:

Messrs.:	Cooper	Hawkins	Owen	
Branyon	Givhan	Horne	Pelham	
Clark	Hammond	McLain	Wilson	
Cook	Harris	Neenan		—14

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:
By Messrs. Turnham, Brassell and Adams:

H. 192. Providing further for the operation and functioning of the Court of Common Pleas of Lee County; authorizing and providing for an additional expense allowance for the judge of such court; authorizing and regulating the employment of certain officers, clerks and other assistants and employees for the court; and providing for the payment of their salaries and certain expenses out of the county treasury.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF LEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Providing further for the operation and functioning of the Court of Common Pleas of Lee County; authorizing and providing for an addi-

tional expense allowance for the judge of such court; authorizing and regulating the employment of certain officers, clerks and other assistants and employees for the court; and providing for the payment of their salaries and certain expenses out of the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the Court of Common Pleas of Lee County, with the approval of the county governing body, may appoint one full-time juvenile court officer to conduct investigations and make reports in juvenile cases and to perform such other duties as the judge may require. Such juvenile court officer need not possess the qualifications prescribed by law for probation officers. The judge may also, with the approval of the county governing body, appoint such probation officers, possessing all the qualifications prescribed by law for probation officers, as are needed for the proper functioning of the juvenile court. The compensation of the juvenile court officer and the probation officers shall be fixed by the judge, subject to the approval of the county governing body; but the compensation of the juvenile court officer shall be a salary of not less than \$8,200 nor more than \$10,000 per year, and the compensation of each probation officer shall be a salary of not less than \$8,200 nor more than \$10,000 per year. Such salaries shall be payable out of the county's treasury of Lee County at the same time and in the same manner as the salaries of other employees of Lee County.

Section 2. The judge of such court may also, with the approval of the county governing body, employ and fix the compensation of such clerks, stenographers and other assistants and employees as are reasonably needed for the proper and orderly functioning and operation of the court. Included among such employees shall be a court reporter and a stenographer or other assistant for the judge of the court. The court reporter shall possess all the qualifications and perform all the same duties relative to the Court of Common Pleas that are prescribed by law for and required of court reporters for the circuit courts. The court reporter shall be entitled to a salary of not less than \$8,200 nor more than \$10,000 per annum; and the secretary or other assistant to the judge shall be entitled to a salary of not less than \$4,800 nor more than \$8,000 per annum. The compensation of all such clerks, stenographers and other assistants shall be paid out of the county treasury of Lee County at the same time and in the same manner as the salaries of other employees of Lee County.

Section 3. The county governing body of Lee County may also provide for furnishing such automobile and other supplies and equipment as are reasonably needed; by the juvenile court officer and the probation officer or officers, as the case may be, and such equipment as needed by the court. The county governing body of Lee County may also provide for paying the maintenance and operating expenses of all such automobiles as are furnished. Such governing body may also defray the reasonable expenses of the judge and any other officer or employee of the Court of Common Pleas incurred in attending any conference, seminar or professional convention relative to the duties, powers and functions of the Court of Common Pleas or the officers thereof.

Section 4. The judge of the Court of Common Pleas of Lee County may receive out of the county treasury of Lee County an expense allowance of not less than \$4,500 nor more than \$5,500 per year, the exact amount of which shall be fixed by the county governing body. Such expense allowance shall be in addition to any salary or expense allowance heretofore or hereby provided for him by law.

Section 5. The salaries paid to any officer or employee of the

Court of Common Pleas of Lee County pursuant to Sections 1 and 2 of this Act shall be the only salaries payable out of the county treasury of Lee County for compensation of such officers or employees; and the provision of any law authorizing and providing for an allowance for clerk-hire or secretarial assistance or other expenses of the court is superseded by the provisions of this Act.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws and parts of laws in conflict herewith are repealed; and those provisions of Act No. 242, H. 678 of the Regular Session of 1949 (Acts of 1949, p. 361), as amended, which conflict herewith are hereby specifically repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA COUNTY OF LEE

Before me Dorothy W. Mitchell, a Notary Public, Lee County, Alabama, personally appeared Millard B. Grimes, who being duly sworn, deposes and says as follows:

I am co-publisher of the OPELIKA-AUBURN DAILY NEWS, that the above advertisement was published 4 times Nov. 28, Dec. 3, 8, 13, 1971 in the OPELIKA-AUBURN DAILY NEWS, a newspaper published in Lee County, Alabama.

MILLARD B. GRIMES.

Sworn and subscribed to me this 13th day of December, 1971.

DOROTHY W. MITCHELL,
Notary Public.

Also:

By Mr. Reid (R):

H. 195. Relating to counties having a population of not less than 26,725 nor more than 27,250, according to the most recent federal decennial census, to authorize the county commission of such counties to appropriate an amount not to exceed \$5,200 out of the general fund for the relief of Walter L. Nelson.

Also:

By Mr. Fite:

H. 197. Relating to counties having a population of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; permitting the county governing body to employ an additional deputy sheriff.

Also:

By Mr. Coshatt:

H. 217. To alter and re-arrange the boundary lines of the town of Ragland, Alabama so as to include within the corporate limits of said town, all territory now within such corporate limits and all certain other territory in St. Clair County, contiguous to said town.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ST. CLAIR

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To Alter and rearrange the boundary lines of the Town of Ragland, Alabama so as to include within the corporate limits of said town, all territory now within such corporate limits and all certain other territory in St. Clair County, contiguous to said town.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this act, the boundary lines of the Town of Ragland, St. Clair County, Alabama, be and the same are altered and rearranged so as to include within the corporate limits of said Town of Ragland, St. Clair County, Alabama, in addition to the territory included within its present corporate limits, the territory lying and situated in St. Clair County, Alabama, contiguous to said town, more particularly described as follows:

That part of the following lands lying contiguous to and outside the present limits of the Town of Ragland:

West $\frac{1}{2}$ of Section 20 in Township 15, Range 5 East; Also Sections 2, 3, 10 and 19 in Township 15, Range 5 East; Also all that part of the following sections lying contiguous to and not presently within the corporate limits of Ragland, Alabama: Sections 8, 9, 17 and 18 in Township 15, Range 5 East; Also Sections 4 and 5 Township 15, Range 5 East; Section 32, Township 14, Range 5 East; The West one-half of Section 33, Township 14, Range 5 East; The South one-half of Section 6, Township 15, Range 5 East; The South one-half of Section 1, Township 15, Range 4 East and all of Sections 12 and 13, in Township 15, Range 4 East not presently in the Ragland Corporate Limits.

All the foregoing lands situated in St. Clair County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert D. Cornett, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of the St. Clair Observer, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks at no cost to the State of Alabama, said notice having appeared in the issues of said paper on October 27, November 3, 10 and 17, all in the year 1971.

ROBERT D. CORNETT.

Sworn to and subscribed before me December 14, 1971.

ANNE T. MILAM,
Notary Public.

Also:

By Messrs. Merrill, Burgess and Stewart:

H. 211. To amend Act No. 583, H. 1479, Regular Session 1971, entitled "An Act To provide for an expense allowance for the Tax Assessor, Tax Collector, Probate Judge, Circuit Court Clerk, Chairman of the County Commission, Judge of County Court and Register in Equity, Judge of Juvenile Court, Commissioner of Licenses, and Associate Commissioners in all counties having populations not less than 95,000 nor more than 115,000 according to the most recent federal decennial census," amending the title and Section 2 of such Act so as to delete from the enumeration of the officers entitled to the expense allowance thereby provided the judge of the county court and to provide for the payment of travel expenses outside the county on county business in addition to the prescribed expense allowances.

Also:

By Messrs. Merrill, Stewart and Burgess:

H. 210. To amend Sections 1 and 2 of Act No. 175, H. 460, Regular Session 1965, (Acts 1965, p. 246), which provides for an increase in the compensation of the coroner and deputy coroner of certain counties classified on a population basis.

Also:

By Mr. Crowe:

H. 219. To amend Act No. 404, H. 221, Special Session, 1966 (Acts of 1966, p. 548) entitled "An Act To abolish the office of county comptroller of Walker County and to establish in lieu thereof the office of county treasurer of Walker County; to provide for the election of the county treasurer and to prescribe his powers, duties, term and compensation," so as to require and regulate the investment of certain surplus county funds and prescribe the use of interest which accrues on such investment; and to place certain duties relative thereto on the county treasurer.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF WALKER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 404, H. 221, Special Session, 1966 (Acts of 1966, p. 548) entitled "An Act To abolish the office of county comptroller of

Walker County and to establish in lieu thereof the office of county treasurer of Walker County; to provide for the election of the county treasurer and to prescribe his powers, duties, term and compensation," so as to require and regulate the investment of certain surplus county funds and prescribe the use of interest which accrues on such investments; and to place certain duties relative thereto on the county treasurer.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 404, H. 221, Special Session, 1966 (Acts of 1966, p. 548) entitled "An Act To abolish the office of county comptroller of Walker County and to establish in lieu thereof the office of county treasurer of Walker County; to provide for the election of the county treasurer and to prescribe his powers, duties, term and compensation," is hereby amended to read as follows:

"Section 4. Except as otherwise provided in this Act, the county treasurer of Walker County shall have all the powers and duties vested by the general laws of the State in county treasurers, and he shall, in addition thereto, serve as custodian of the funds of the People's Hospital. He shall deposit all public funds in some bank or banks in Walker County, Alabama, which are accepted and recognized by the Walker County Commission or like governing body of the county as legal depositories, so long as such bank or banks agree to pay interest on a portion of said money as provided herein. As much money as may be needed for current operating purposes of the county government, as determined by the county governing body, shall be maintained at all times in the county treasury or in demand deposits with county depository banks. The county treasurer shall apportion such demand deposits among the banks in the county which have been designated as county depositories, giving due consideration to the activities of the various accounts maintained therein, the reasonable value of the banking services rendered or to be rendered the county by such depositories, and to the value and importance of such deposits to the economy of the communities of the county to be affected thereby. The county treasurer shall also take into consideration the reserve requirements prescribed by law relative to demand deposits and time deposits. The county treasurer shall place all such county funds as are not needed for immediate operational purposes within a sixty-day period on time deposit, open account, or invest all or a part of such county funds in interest-bearing securities issued by the United States government, which are guaranteed as to principal and which are redeemable upon application. The county treasurer shall arrange with the county depository banks for the best obtainable interest on all such deposits. All interest paid upon the time deposits made or United States government securities purchased pursuant to this act, shall belong to Walker County; however, the first \$50,000 each year hereafter accruing hereunder is hereby appropriated to and shall be used by the Walker County Coliseum Authority and the remainder of such interest shall be used for the purpose of paying or providing a sinking fund for paying the county's bonded indebtedness. The county treasurer shall account for and be responsible for all such interest. He shall assist the county governing body of the county in preparing its annual budget. Between the first and the tenth days of each month, the county treasurer shall make duplicate monthly reports showing all funds received by him during the previous month, and from what sources received, and showing all disbursements made by him and for what general purpose, and he shall file one copy of the report with the county governing body and he shall keep one copy of the report on file in his office; and such reports shall be public documents or records. The county treasurer shall make a duplicate annual report showing in detail all monies received by him and from what sources, including all interest paid or accrued on investments made pursuant to above provisions of this section,

and showing all disbursements by him, and for what paid. In such annual report he shall list and show all indebtedness of the county shown by his records, whether bonds, warrants, or other indebtedness, and shall designate for what purpose the bonds issues were made and for what purpose the warrant issues were made, and shall show the amount of interest each of such securities bears. One copy of such report shall be filed with the county governing body, and one copy shall be kept on file by him, and each shall be a public document or record. Whenever any officer of Walker County is placed on a salary, by legislation enacted under the provisions of Amendment L of the Constitution, or in any other lawful manner, the county treasurer of Walker County shall audit the fee and commission reports made each month by such officer, and shall keep a record of all the fees and commissions paid into the county treasury, to the credit of the respective office making such payments into the treasury; approve for payment all salary authorized by law to be paid to the officer and his office personnel; and keep a record of such payments and charge the payments against the cost of running or operating such office."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared H. S. Prince, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Nov. 26, Dec. 3, Dec. 10, and Dec. 17, all in the year 1971.

H. S. PRINCE, JR.

Sworn to and subscribed before me Dec. 28, 1971.

R. W. BOTELER, JR.,
Notary Public.

Also:

By Mr. Grey (D):

H. 220. Relating to Lamar County, providing further for the election of the members of the governing body of said county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF LAMAR

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lamar County, providing further for the election of the members of the governing body of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. Each associate member of the governing body of Lamar County when he is elected and throughout the time in which he serves shall reside in and be a qualified elector of the district he represents. He shall be nominated district he represents in the by the qualified electors of the manner prescribed for nominating candidates for other county offices; and he shall be elected by the qualified electors of the district.

Section 2. Lamar County shall be divided into four commissioner districts as follows:

DISTRICT ONE:

Beginning at the point where the north boundary of Section 29, Township 14 South, Range 16 West, intersects the Alabama-Mississippi State Line, run in a southwesterly direction along said State Line to a point in Section 31, Township 16 South, Range 16 West where said State Line crosses Yellow Creek; thence run northeasterly along the center of Yellow Creek to a point where Yellow Creek intersects the east boundary of Section 20, Township 16, Range 16 West; thence south along the east boundary of Sections 20 and 29 to the half mile corner between Sections 28 and 29; thence east along the center of Section 28, Township 16 South, Range 16 West, to the half mile corner between Section 28 and 27; thence north along the west boundary of Section 27 to the northeast corner of said Section 27; thence east along the north boundary of Section 27, 26, Township 16 South, Range 16, to the northeast corner of said Section 26; thence south along the east boundary of said Section 26 and 35. Township 16 South, Range 16 West and continue southerly along the east boundary line of Section 2, Township 17 South, Range 16 West, to the half mile corner; thence east along half mile line to its intersection with Mud Creek near the east boundary of Section 1, Township 17 South, Range 16 West; thence in a northeasterly direction along said Mud Creek to its intersection with the Range line between Ranges 14 West and 15 West on the West boundary of Section 13, Township 16 South, Range 14 West; thence north along said Range line to its intersection with Hells Creek at a point on the east boundary of Section 36, Township 15 South, Range 15 West; thence in a generally northwesterly direction along and down said Hells Creek to its intersection with Yellow Creek, in Section 22, Township 15 South, Range 15 West; thence along and down said Yellow Creek to its intersection with Alabama State Highway Number 17, in Section 28, Township 15 South, Range 15 West; thence northerly along said State Highway Number 17 to its intersection with the north boundary of Section 28. Township 14 South, Range 15 West; thence west along the north boundary of Sections 29 and 30, Township 14 South, Range 15 West, Sections 25, 26, 27, 28 and 29, Township 14 South, Range 16 West, to the Mississippi-Alabama State Line and the point of beginning.

Said District One comprising the following beats or precincts: Military (No. 10); Betts No. (11); Star (No. 23); Ridge (No. 18); Guin (No. 21); and that part of Number 1 of Town lying west of Alabama State Highway Number 17.

DISTRICT TWO:

Beginning at the northeast corner of Lamar County, where the Marion-Lamar County line intersects the Alabama-Mississippi State line, run southerly along said State line to an intersection with the south boundary of Section 20, Township 14 South, Range 16 West; thence east along the section lines to the southeast corner of Section 21, Township 14 South, Range 15 West; thence north along the east boundary of said Section 21 to the half mile corner; thence east along the center of Sections 22 and 23, Township 14 South, Range 15 West, to the half-mile corner on the east boundary of said Section 23; thence north, following the section lines, to the half-mile corner on the west boundary of Section 13, Township 14 South, Range 15 West; thence east to the center of said Section 13; thence north to the half-mile corner on the north boundary of said Section 13; thence east to the north east corner of said Section 13; thence north and following the Section lines and range line between Range 14 West and Range 15 West, to the north-east corner of Section 36, Township 12 South, Range 11 West; thence west and following the Section lines to the north west corner of Section 35, Township 12 South, Range 15 West; thence north and following the Section lines to the northwest corner of Section 2, Township 12 South, Range 15 West, on the north boundary line of Lamar County; thence along said north boundary to the northwest corner of Lamar County and the point of beginning.

Said District Two comprising the following beats or precincts: Millville (No. 7); Pine Springs (No. 8); Goode (No. 5); and Moscow (No. 9).

DISTRICT THREE:

Beginning at the southeast corner of Section 36, Township 15 South, Range 14 West, on the Lamar-Fayette County line, run west and along the Township line to the Southwest corner of Section 31, Township 15 South, Range 14 West; thence north along the Range line and west boundary of said Section 31 to an intersection with Hells Creek; thence in a generally northwest direction along and down said Hells Creek to its intersection with Yellow Creek, in Section 22, Township 15 South, Range 15 West; thence along and down said Yellow Creek to its intersection with Alabama State Highway Number 17, in Section 28, Township 15 South, Range 15 West; thence northerly along said state Highway Number 17 to its intersection with the north boundary of Section 28, Township 14 South, Range 15 West; thence east along said north boundary to the northeast corner of said Section 28; thence north along the east boundary of Section 21, Township 14 South, Range 15 West, to the half-mile corner; thence east along the center of Sections 22 and 23, Township 14 South, Range 15 West to the half-mile corner on the east boundary of said Section 23; thence north following the Section lines to the half-mile corner on the west boundary of Section 13, Township 14 South, Range 15 West; thence east to the center of said Section 13; thence north to the half-mile corner on the north boundary of said Section 13; thence east to the north east corner of Section 13; thence north following the section lines and range lines between Ranges 14 West and 15 West to the north east corner of Section 36, Township 12 South, Range 15 West; thence west along the section lines to the northwest corner of Section 35, Township 12 South, Range 15 West; thence north and following the section lines, to the northwest corner of Section 2 Township 12 South, Range 15 West, on the north boundary line of Lamar County; thence east along the County line between Lamar and Marion to the northeast corner of Section 3, Township 12 South, Range 14 West; thence south along said County line to the southeast corner of Section

10, Township 12 South, Range 14 West; thence East along said County line to the northeast corner of Section 13, Township 12 South, Range 14 West; thence south along the east boundary line to the southeast corner of Section 36, Township 15 South, Range 14 West, and the point of beginning.

Said District Three comprising the following beats or precincts: Henson Springs (No. 6); Brown (No. 4); Sizemore (No. 3); Bell (No. 19); Blooming Grove (No. 22); Lawrence (No. 2); and that part of Town Beat lying east of Alabama Highway Number 17.

DISTRICT FOUR:

All that part of Lamar County lying south of a line described as follows:

Beginning at the point where Yellow Creek intersects the Mississippi-Alabama State line, run northeasterly along Yellow Creek to a point where Yellow Creek intersect the east boundary of Section 20, Township 16 South, Range 16 West thence south along the east boundary of Sections 20 and 29 to the half-mile corner between Sections 20 and 29; thence east along the center of Section 28 Township 16 South, Range 16 West, to the half-mile corner between Sections 28 and 27; thence north along the west boundary of Section 27 to the northeast corner of said Section 27; thence east along the north boundaries of Sections 27, 26, Township 16 South, Range 16 West, to the northeast corner of said Section 26; thence south along the east boundary of said Sections 26 and 35, Township 16 South, Range 16 West and continue southerly along the east boundary line of Section 2, Township 17 South, Range 16 West to the half-mile corner; thence east along half-mile line to its intersection with Mud Creek near the east boundary of Sections 1, Township 17 South, Range 16 West; thence up and along Mud Creek in an east-north east direction to its intersection with the range line and west boundary of Section 18, Township 16 South, Range 14 West; thence north along the Township line to the north west corner of Section 6, Township 16 South, Range 14 West it being the Township corner thence east along the north boundary of said Township 16 South, Range 14 West, to the northeast corner of said Township and the Fayette County line.

Said District Four comprising the following beats or precincts: Strickland (No. 16); Steens (No. 15); Curry (No. 20); Millport (No. 14); Vails (No. 13); Wilson (No. 17); Trull (No. 12).

Section 3. The associate commissioners now serving shall continue in office until the expiration of their term. Their successors shall be elected at the time, in the manner, and for the terms provided by law, except as otherwise herein provided. The members of District No. 2 and No. 4 being elected in 1972 and every four years thereafter, and the members of Districts No. 1 and No. 3 being elected in 1974 and every four years thereafter.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are herewith repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
LAMAR COUNTY

Before me, Loree Trimm, a Notary Public in and for said County, personally appeared Rex Rainwater, Publisher of THE LAMAR DEMOCRAT, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice was published once a week for 4 consecutive weeks in said paper in issues dated as follows: August 12, August 19, August 26, September 2, 1971.

REX RAINWATER,
Publisher.

Subscribed and sworn to before me, this the 2nd day of Sept., 1971.

LOREE TRIMM,
Notary Public.

My Commission Expires 1-27-75.

Also:

By Messrs. Cross and Carter:

H. 221. To amend Sections 2, 3, 4 and 9 of Act No. 56, H. 377, Regular Session 1971, which Act created an inferior court for Lawrence County, by revising the jurisdiction, costs, and certain procedures of said court; and by revising the qualifications of the judge, the method of his appointment and his salary.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 2, 3, 4 and 9 of Act No. 56, H. 377, Regular Session 1971, which Act created an inferior court for Lawrence County, by revising the jurisdiction, costs, and certain procedures of said court; and by revising the qualifications of the judge, the method of his appointment and his salary.

Be It Enacted by the Legislature of Alabama:

Section 1, Section 2 of Act No. 56, H. 377, Regular Session 1971, approved July 12, 1971, is hereby amended to read as follows:

"Section 2. (a) Except as provided in subsection (b), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings cases, and actions cognizable before the circuit court, or a county court, or justices of the peace court or courts created in lieu thereof, and the juvenile court, as provided by general laws. However, the procedure in juvenile cases shall be prescribed for juvenile cases as provided in Alabama Code, Title 13, Chapter 7. The jurisdiction of the court with respect to juvenile cases shall be exclusive.

"(b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of actions of ejectment or actions in the nature of ejectment or of any civil action when the matter or sum in controversy exceeds \$1,000, nor take cognizance of any matter or proceeding in equity."

Section 2. Section 3 of Act No. 56, H. 377, Regular Session 1971, approved July 12, 1971, is hereby amended to read as follows:

"Section 3. (a) The judge of the court shall be a qualified elector of Lawrence County at the time of his appointment or election, and shall be learned in the law, and shall be a member of the Bar of Alabama. In the event no person is available to hold said office or who seeks to hold said office who meets the above qualifications, then said judge shall be a qualified elector of Lawrence County, possess a high school education, and shall reside in Lawrence County during his continuance in office.

"(b) Immediately after the effective date of this Act, the judge of said court shall be appointed by a committee in Lawrence County consisting of the circuit judge, the chairman of the county commission or other like governing body, and the president of the Lawrence County Bar Association. Said appointment shall be made by the above appointing committee acting in a majority.

"(c) A judge of the court herein established shall be elected by the qualified electors of the county at the general election of state and county officers in 1972, and every four years thereafter. His term shall be for four years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

"(d) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution, in the manner provided by law.

"(e) In the event of a vacancy in the office of judge, the appointing committee shall appoint a qualified person as judge and the person so appointed shall hold office for the unexpired term.

"(f) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 124, Title 13, Code 1940.

"(g) The judge shall receive a salary of not less than \$7,200 nor more than \$10,200 per annum, payable out of the general funds of the county in equal monthly installments as the salaries of other county officers are paid. The exact amount shall be fixed by the county governing body.

"(h) The judge shall have authority to: 1) administer oaths and take acknowledgements; 2) issue search warrants; 3) exercise such other powers, jurisdiction or authority as may now or hereafter be conferred by law upon judges of county courts, juvenile courts, and justices of the peace, including that of magistrate on preliminary examinations.

"(i) The judge shall have an office in the county courthouse, or such other place as may be provided by the governing body of the county. His office shall be suitably equipped, furnished, and provided at the expense of the county with such office supplies, stationery, stamps, furniture, fixtures, and other materials as may be necessary for the transaction of the business of the court, subject to approval of the board of revenue or other like governing body of the county.

"(j) In the absence of the regular judge, the clerk of court may, if no special judge has been appointed, accept a defendant's written, sworn plea of guilt and assess against such defendant such fine and costs as may be authorized by law and any judgment so rendered by the clerk shall have the same force and effect as a judgment rendered by the judge of the court."

Section 3. Section 4 of Act No. 56, H. 377, Regular Session 1971, approved July 12, 1971, is hereby amended to read as follows:

"Section 4. (a) The court shall be open for transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times.

"(b) Sessions of the court shall be held at the county courthouse. Regular sessions for the trial of criminal cases shall be held on the first Monday in each month, and on the third Monday of each month there shall be a call of the docket of the court for the handling, trial and disposal of criminal cases where the defendant has been confined in jail for five days or more and has failed to make bond, and of such other criminal cases in which the defendant shall request a trial in time for the witnesses to be summoned and caused to appear at the trial. The judge shall be available for the trial of cases either civil or criminal or both, on a five day per week basis. The judge of said court shall maintain an office in the courthouse, which shall remain open Monday through Friday of each week during the hours other county offices are open.

"(c) Except as otherwise provided in this Act, the practice, procedure and process of the court as to parties, trial, competency of witnesses, admissibility of evidence, the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits, and the time within which suits may be brought shall be governed by the statutes and rules of practice, procedure and process governing justice of the peace courts.

"(d) In civil actions at law when the summons, writ of attachment, and summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within thirty days, and the process issued shall so recite. The same provisions in reference to filing of interrogatories to parties to suits and the same provisions in reference to taking of depositions as now or may hereafter be provided for in the filing of interrogatories and the taking of depositions in the circuit courts of this state, except as herein provided, shall apply to the filing of interrogatories and the taking of depositions in this court; the parties shall be required to answer within thirty days.

"(e) In all civil matters judgment by default may be awarded plaintiff on defendant's failure to plead, answer or demur within 30 days, by motion.

"(f) All garnishment proceedings in the court shall be governed by the provisions of Chapter 27, Title 7, Code 1940, except that the garnishee shall appear and file his answer within thirty days after the service on him of process of garnishment and the process shall so recite."

Section 4. Section 9 of Act No. 56, H. 377, Regular Session 1971 approved July 12, 1971, is hereby amended to read as follows:

"Section 9. (a) For their attendance upon the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the county courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit court.

"(b) In addition to the fees for witnesses, the court shall have authority to tax costs and fees for the use of the officers of the county as follows: (1) In each criminal case involving an offense of which justices of the peace have final jurisdiction, the same as in justice

courts; (2) in every other criminal case, the same as in county courts, including fees as provided by Section 37, Title 11, Code 1940, except as provided hereinafter in Section 11 of this act, and in each civil action at law the same as in circuit court.

"(c) A trial tax of five dollars (\$5.00) shall be collected for the use of the county in each criminal case.

"(d) No costs shall be taxed in juvenile cases."

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LAWRENCE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Arthur F. Slaton, who being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Moulton Advertiser, a newspaper of general circulation published in Lawrence County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Dec. 9, Dec. 16, Dec. 23, and Dec. 30, all in the year 1971.

ARTHUR F. SLATON.

Sworn to and subscribed before me Jan. 4, 1972.

LeRUTH G. SLATON,
Notary Public.

Also:

By Mr. Baker:

H. 228. To provide that the Judge of the Inferior Court of DeKalb County shall receive as a salary the sum of \$6,900.00 per year.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide that the Judge of the Inferior Court of DeKalb County shall receive as a salary the sum of \$6,900.00 per year.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of any Inferior Court created by local law in DeKalb County shall receive as a salary the sum of \$6,900.00 per year,

payable in equal monthly installments, out of the County Treasury upon his warrant drawn upon the County Treasurer, or other proper custodian. This shall be in lieu of all of the compensation heretofore provided by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF DEKALB

Before me, the undersigned authority in and for said County in said State this day personally appeared Jerry E. Whittle, who, being me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice have appeared in the issue of said paper on December 9, December 16, December 23, and December 30, all in the year, 1971.

JERRY E. WHITTLE.

Sworn to and subscribed before me on this 5th day of January, 1972.

MARY RUTH BROWN,
Notary Public.

Also:

By Mr. Baker:

H. 229. To amend Act No. 1734, H. 2563, Regular Session 1971, approved September 17, 1971, which provides for juries composed of six members for trial of certain cases in the DeKalb County Court, so as to provide further for the minimum number of jurors on the list from which the six-man jury is to be struck.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DEKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 1734, H. 2563, Regular Session 1969, approved September 17, 1971, which provides for juries composed for six members for trial of certain cases in the DeKalb County Court, so as to provide further for the minimum number of jurors on the list from which the six-man jury is to be struck

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1734, H. 2563, Regular Session 1969,

providing for juries composed of six members for trial of certain cases in DeKalb County is hereby amended to read as follows:

Section 1. The trial of all civil and criminal cases in the DeKalb County Court which according to law are triable by jury shall be tried by a jury composed of six members to be drawn, summoned, selected, and empaneled as provided in Code of Alabama 1940, Title 30, except that the list from which any six-man jury is to be struck may consist of a minimum of 12 jurors instead of the minimum number prescribed by law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF DEKALB

Before me, the undersigned authority in and for said County in said State this day personally appeared Jerry E. Whittle, who, being me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice have appeared in the issue of said paper on December 14, December 21, December 28, 1971, and January 4, 1972.

JERRY E. WHITTLE.

Sworn to and subscribed before me on this 5th day of January, 1972.

MARY RUTH BROWN,
Notary Public.

Also:

By Messrs. Lutz, Hale, Hearn, Grainger and King:

H. 215. Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provision of the act; repealing all laws or parts of laws inconsistent with the provisions hereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 192, 195, 197, 217, 211, 210, 219, 220, 221, 228, 229 and 215. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Lutz:

H. 131. To authorize and provide for minute entries in misdemeanor cases appealed from a city recorder's court, county court, mayor's court, police court, or any municipal court, to the circuit courts or any other courts of record in Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 131. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Burgess, Stewart and Merrill:

H. 200. Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census; to authorize the county governing body to reimburse certain county officials for certain types of expenses; and to make provisions of this Act retroactive.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 200. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee on Conference on the House amendment to the bill:

S. 92. To amend Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, relating to the registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Gafford, Meeks and Parker (H).

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 86. To provide a cost of living increase to certain retired members of the Employees' Retirement System of Alabama.

Also:

H. 107. To exempt authorities now or hereafter organized under the provisions of Act No. 107 adopted at the 1965 First Special Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 1

Delivered to the Governor, January 5, 1972 at 3:40 P. M.

S. B. 54

Delivered to the Governor, January 5, 1972 at 6:00 P. M.

S. B. 27

S. B. 35

S. B. 100

Delivered to the Governor, January 11, 1972, at 3:10 P. M.

S. J. R. 31

S. J. R. 32

S. J. R. 34

S. J. R. 35

Delivered to the Governor, January 12, 1972, at 4:40 P. M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

INTERIM COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of S. R. 16, the President and Presiding Officer appointed Messrs. Gilmore, Lindsey, Noonan, O'Bannon, Weaver and Fine as members of the Judicial Committee.

ADJOURNMENT

At 5:10 P. M., on motion of Mr. Lybrand, in accordance with motion heretofore adopted and also in accordance with Joint Resolution heretofore adopted by the Senate, the Senate adjourned until Wednesday, February 23, 1972, at 4 o'clock P. M.

NINETEENTH LEGISLATIVE DAY

THURSDAY, JANUARY 20, 1972

The Senate met on Thursday, January 20, 1972, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Senator L. D. Owen, Jr., from the Twenty-fifth Senatorial District.

ROLL CALL

Present:

Messrs.:	Fine	Hawkins	Pelham
Bailes	Foshee	Horne	Shelby
Branyon	Gilmore	Jones	Vacca
Clark	Givhan	McLain	Weaver
Cook	Hammond	Noonan	Wilder
Cooper	Harris	Owen	Wilson

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RESOLUTION

Mr. Harris offered the following Senate Resolution, to-wit:

S. R. 55. BE IT RESOLVED BY THE SENATE OF ALABAMA, That the Justices of the Supreme Court be asked to advise the Senate as to the Constitutional questions presented by the following circumstances:

Section 58 of the Constitution of Alabama provides:

"Sec. 58. Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in

which they may be sitting except as otherwise provided in this constitution."

Rule 2 of the General Rules of Order and Procedure of the Alabama Senate provides as follows:

"RULE 2. Unless it is otherwise specially provided for by resolution, the Senate shall meet at ten o'clock A. M., except on Mondays, when the Senate shall convene at twelve o'clock noon."

On January 12, 1972, the House of Representatives adopted House Joint Resolution 92, a copy of which is attached as Exhibit One. Before this resolution was approved by the Senate the House adjourned until 4:00 P. M. January 19, 1972. The Senate refused to adopt House Joint Resolution 92 as passed by the House of Representatives but, instead, on the same day, January 12, 1972, adopted a substitute therefor a copy of which is attached as Exhibit Two. The Senate subsequently adjourned until 4:00 P. M. January 19, 1972, on which date both houses reconvened.

On January 19, 1972, Senator Lybrand offered the following Motion in Writing, to-wit:

"MOTION IN WRITING"

"I move that the Senate stand in informal recess for the purpose of all receiving House Messages and then adjourn until February 23 at 4:00 P. M."

Mr. Cooper requested a division of the question, which request was granted.

The President and Presiding Officer put the first portion of the above Motion in Writing, relative to the Senate standing in informal recess, which motion was adopted.

Yeas 25; Nays 0.

The President and Presiding Officer then put the second portion of said Motion in Writing, relative to adjournment until February 23, 1972, which motion was adopted.

Yeas 15; Nays 14.

On January 19, 1972, the House of Representatives refused to concur with the Senate substitute for House Joint Resolution 92. An excerpt from the House Journal reflects this action and is attached as Exhibit Three.

On January 19, 1972, the House of Representatives adopted House Resolution 109, a copy of which is attached as Exhibit Four. House Resolution 109 specifically expresses that the House of Representatives refused to consent to the adjournment by the Senate in accordance with the adjournment motion set out above.

In light of Section 58 of the Constitution and Rule 2 of the Senate Rules we respectfully request your opinion as to the following constitutional questions:

1. What was the effect of the action of the House of Representatives in its non-concurrence with the Senate substitute for House Joint Resolution 92? More specifically, were both Houses of the Legislature technically in session between January 12, 1972 and January 19, 1972 and were these intervening days legislative days?

2. In light of the refusal of the House of Representatives to con-

sent to the adjournment by the Senate for more than three (3) days in accordance with its adjournment motion adopted January 19, 1972, was such adjournment motion of any effect or was it a nullity?

3. Where either House of the Legislature adopts an adjournment motion that would place the house adjourning in recess for a period of more than three (3) days if the other house refuses to consent thereto, is such adjournment motion effective so as to place the house adopting it in recess for three (3) days or for any period?

4. Under facts herein recited and in contemplation of Section 58 of the Constitution of Alabama, Supra, and Rule 2 of the Senate Rules, is the Senate in lawful session on January 20, 1972?

5. If the House and Senate are in lawful session on January 20, 1972, what is the legislative day on Thursday, January 20, 1972?

EXHIBIT ONE

By Mr. Gloor:

H. J. R. 92. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Wednesday, January 19, 1972.

EXHIBIT TWO

By Mr. Littleton:

SUBSTITUTE FOR H. J. R. 92

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING That when the two Houses adjourn today they meet on Wednesday, January 19, 1972 and that when we meet Wednesday, January 19, 1972 we adjourn until Friday 23, 1972 without pay for the period January 19, 1972 until February 23, 1972.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Joint Resolution

H. J. R. 92. Relative to the adjournment of the two houses.

JOHN W. PEMBERTON,
Clerk.

H. R. 109. WHEREAS, the Senate of the State of Alabama on the 19th day of January, 1972 passed the following motion by Lybrand,

"I move that the Senate stand in informal recess for the purpose of receiving all House Messages and then adjourn until February 23rd at 4:00 o'clock p. m.", and

WHEREAS, the Constitution of the State of Alabama provides that neither House shall, without consent of the other, adjourn for more than three (3) days

NOW THEREFORE BE IT RESOLVED by the House of Representatives of the State of Alabama that the House of Representatives does NOT consent to the aforesaid adjournment motion of the Senate, and

BE IT FURTHER that a copy of this Resolution be furnished to each member of the Senate of the State of Alabama in order that they may each be apprised of the fact that the Senate has not passed a valid adjournment motion

On motion of Mr. Harris, the Rules were suspended and the Resolution was adopted by the Senate.

ADJOURNMENT

At 3:45 P. M., on motion of Mr. Cooper, the Senate adjourned until Friday, January 21, 1972, at 11 o'clock A. M.

TWENTIETH LEGISLATIVE DAY

FRIDAY, JANUARY 21, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Senator L. L. Dozier, from the Twenty-second Senatorial District.

ROLL CALL

Present:

Messrs.:	Dozier	Hawkins	Noonan
Bailes	Fine	Horne	Shelby
Branyon	Foshee	Jones	Vacca
Cook	Givhan	Littleton	Wilder
Cooper	Harris	McLain	Wilson

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ADJOURNMENT

At 5 o'clock P. M., on motion of Mr. Wilson, the Senate adjourned until Tuesday, January 25, 1972, at 2 o'clock P. M.

TWENTY-FIRST LEGISLATIVE DAY

TUESDAY, JANUARY 25, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Monsignor Joseph G. McArdle, St. Bede's Catholic Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Branyon	Clark	Dominick
Bailes	Carr	Cook	Dozier

Edington	Harris	Lybrand	Register
Fine	Hawkins	McLain	Shelby
Foshee	Horne	Malone	Vacca
Gilmore	Jones	Noonan	Weaver
Givhan	King	Owen	Wilder
Hammond	Littleton		

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OPINION RENDERED

The following advisory opinion was received from the Supreme Court of Alabama, to-wit:

THE STATE OF ALABAMA - - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1971-72

The Senate of Alabama
State Capitol
Montgomery, Alabama 36104

Gentlemen:

We are in receipt of Senate Resolution, which is as follows:

“BE IT RESOLVED BY THE SENATE OF ALABAMA, That the justices of the Supreme Court be asked to advise the Senate as to the Constitutional questions presented by the following circumstances:

“Section 58 of the Constitution of Alabama provides:

“‘Sec. 58. Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting except as otherwise provided in this Constitution.’

“Rule 2 of the General Rules of Order and Procedure of the Alabama Senate provides as follows:

“‘Rule 2. Unless it is otherwise specially provided for by resolution, the Senate shall meet at ten o'clock A. M., except on Mondays, when the Senate shall convene at twelve o'clock noon.’

“On January 12, 1972, the House of Representatives adopted House Joint Resolution 92, a copy of which is attached as Exhibit One. Before this resolution was approved by the Senate the House adjourned until 4:00 P. M. January 19, 1972. The Senate refused to adopt House Joint Resolution 92 as passed by the House of Representatives but, instead, on the same day, January 12, 1972, adopted a substitute therefor a copy of which is attached as Exhibit Two. The Senate subsequently adjourned until 4:00 P. M. January 19, 1972, on which date both houses reconvened.

“On January 19, 1972, Senator Lybrand offered the following Motion in Writing, to-wit:

“‘MOTION IN WRITING’”

“‘I move that the Senate stand in informal recess for the purpose of all receiving House Messages and then adjourn until February 23 at 4:00 P. M.’

"Mr. Cooper requested a division of the question, which request was granted.

"The President and Presiding Officer put the first portion of the above Motion in Writing, relative to the Senate standing in informal recess, which motion was adopted.

"Yeas 25; Nays 0.

"The President and Presiding Officer then put the second portion of said Motion in Writing, relative to adjournment until February 23, 1972, which motion was adopted.

"Yeas 15; Nays 14.

"On January 19, 1972, the House of Representatives refused to concur with the Senate substitute for House Joint Resolution 92. An excerpt from the House Journal reflects this action and is attached as Exhibit Three.

"On January 19, 1972, the House of Representatives adopted House Resolution 109, a copy of which is attached as Exhibit Four. House Resolution 109 specifically expresses that the House of Representatives refused to consent to the adjournment by the Senate in accordance with the adjournment motion set out above.

"In light of Section 58 of the Constitution and Rule 2 of the Senate Rules we respectfully request your opinion as to the following constitutional questions:

"1. What was the effect of the action of the House of Representatives in its non-concurrence with the Senate substitute for House Joint Resolution 92? More specifically, were both Houses of the Legislature technically in session between January 12, 1972 and January 19, 1972 and were these intervening days legislative days?

"2. In light of the refusal of the House of Representatives to consent to the adjournment by the Senate for more than three (3) days in accordance with its adjournment motion adopted January 19, 1972, was such adjournment motion of any effect or was it a nullity?

"3. Where either House of the Legislature adopts an adjournment motion that would place the house adjourning in recess for a period of more than three (3) days if the other house refuses to consent thereto, is such adjournment motion effective so as to place the house adopting it in recess for three (3) days or for any period?

"4. Under facts herein recited and in contemplation of Section 58 of the Constitution of Alabama, Supra, and Rule 2 of the Senate Rules, is the Senate in lawful session on January 20, 1972?

"5. If the House and Senate are in lawful session on January 20, 1972, what is the legislative day on Thursday, January 20, 1972?"

This request for advisory opinion was received January 20, 1972, at 4:00 p. m. It was immediately assigned and work started on it. We had the benefit of no briefs or arguments, but were conscious of the opinion in the Legislature that a prompt answer to some of the questions was necessary.

We have expressed our views on these important constitutional questions based on the very limited research and study which we have been able to make in view of the short time which has intervened between our receipt of your inquiry and the action the Legislature may take based upon our answers to your inquiries. Opinion of the Justices, 270 Ala. 42, 115 So. 2d 475.

Our response has of necessity been limited to § 58, Constitution of Alabama, 1901; Rule 2 of the General Rules of Order and Procedure of the Alabama Senate; the facts; matters and exhibits contained in the resolution for an advisory opinion.

The answer to your first question is that neither house of the Legislature was in session between January 12, 1972, and January 19, 1972, and that the intervening days between such dates were not legislative days. Article 4, § 58 of the Alabama Constitutional of 1901, in the relevant part provides: "Neither house shall, without consent of the other, adjourn for more than three days * * *" (Emphasis added). A particular mode of manifestation of such consent is not constitutionally required.

From an examination of House Joint Resolution 92, and the Senate substitute for such resolution, it is most evident that both houses were in absolute agreement on the matter of adjourning until January 19, 1972. Such consent was lacking, however, on the Senate's action to adjourn January 19, 1972, to February 23, 1972. Nevertheless, that dispute in no way affected the fact that each house was in agreement to adjourn until January 19, 1972. Both houses did adjourn and remained so until 4:00 p. m. January 19, 1972. Therefore we have concluded, that each house consented to the other's adjournment on the 12th of January to meet again January 19. This met the requirements of § 58.

Our answer to your second question, stated above, is that the Senate's adoption of the motion on January 19, 1972, to adjourn until February 23, 1972, is a nullity and void *ab initio*, because the period of adjournment exceeds the three day maximum allowed by § 58.

We respectfully decline to answer question number three because, from an examination of the request, we find that question three is hypothetical. Opinion of the Justices, 267 Ala. 110, 100 So. 2d 565. We are unauthorized to give our opinion on any other than concrete, constitutional questions. In re Opinion of the Justices, 209 Ala. 593, 96 So. 487.

The answer to the fourth question may involve considerations of facts which are not contained in the resolution; however, it is our opinion that January 20, 1972, was a legislative day and a day when the Senate could have been in lawful session. We assume the Senate was in lawful session that day since we assume it adopted the resolution requesting the advisory opinion on that date.

Question five. Under the facts stated and assumed, we are of the opinion that January 20, 1972, was a legislative day, whether the House met or not. In a prior advisory opinion certain of the justices have said:

"Under section 48 it seems clear that when a session of the Legislature is begun, it must proceed continuously for 50 days, not counting Sundays, unless by the joint or concurring action of both houses adjournments over should be declared. *Moog v. Randolph*, 77 Ala. 597, 608. By such joint or concurring action the session may be extended until the time appointed by law for the meeting of the next Legislature, so long as 50 working days have not been used in actual session. *Cushing's Law and Practice of Legislature Assemblies*, p. 206 §§ 509-515.

"It is clear, also, that on any day within the period of constitutional limitation, over which there has been no adjournment by the joint or concurring action of both houses, either house may be in lawful session, and may transact all legislative business properly brought before it, even though the other house chooses not to be in session, and has in

fact adjourned over. Cushing's Law and Practice of Legislative Assemblies, p. 206, § 511; State ex rel. Adams v. Hillyer, 2 Kan. 17, 28.

"[2] In such a case, a session by either house—the other house not sitting—makes a legislative day, to be deducted from the 50 days allowed by the Constitution. This conclusion seems obvious, and is not impugned, but rather confirmed, by section 58 of the Constitution, supra, which permits either house to separately suspend its own labors by its own separate adjournment for a period of three days, without the consent of the other house." In re Opinion of the Justices, 216 Ala. 545, 546, 113 So. 621.

We are unable to state the number of the legislative day on January 20 because the resolution and exhibits attached thereto do not show what numbered legislative day January 19, 1972, was. However, January 20, 1972, was one more legislative day to add to the previous number of legislative days.

Respectfully,

HOWELL T. HEFLIN,
Chief Justice

THOMAS S. LAWSON

PELHAM J. MERRILL

JAMES S. COLEMAN, JR.

ROBERT B. HARWOOD

JAMES N. BLOODWORTH

HUGH MADDOX

DANIEL T. McCALL, JR.
Associate Justices

Which was read and ordered spread upon the Journal.

JOURNAL

On motion of Mr. Owen, the reading of the Journals of the Senate for the Eighteenth, Nineteenth and Twentieth Days was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Eighteenth, Nineteenth and Twentieth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and

the Journals of the Senate for the Eighteenth, Nineteenth and Twentieth Legislative Days were approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Owen, leaves of absence were granted Messrs. Dominick, Carr, King, Malone, Register, Dozier, Littleton, O'Bannon, Pierce, Edington, Lindsey and Lybrand for the Nineteenth Legislative Day.

On motion of Mr. Owen, leaves of absence were granted Messrs. Edington, Lindsey, Pierce, Carr, Gilmore, Clark, Dominick, King, Malone, Weaver, Hammond, Lybrand, Register, Owen, O'Bannon and Pelham for the Twentieth Legislative Day.

On motion of Mr. Owen, leaves of absence were granted Messrs. Lindsey, Cooper, O'Bannon, Pierce, Wilson and Pelham for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Finc:

S. 201. To make additional appropriations to the Vocational Education Department.

(The President and Presiding Officer of the Senate asked if there were any objection to the above Bill, S. B. 201, being referred to the Standing Committee on Commerce, Transportation and Common Carriers. There being no objection, said Bill was so referred.)

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Lybrand:

S. 202. To provide for the establishment of a civic center in the municipality where in is located the county seat of any county of the State having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census (any such county being hereinafter referred to in this title as "the county" or "such county"); to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of directors; to define the power and authority of the board of directors, including the power to construct, maintain, control, operate and manage a civic center at the county seat and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; to authorize the county and any municipality therein to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the county or the municipality, as the case may be; and to repeal all laws, whether general, special or local, inconsistent with the provisions of this Act.

Committee on Local Legislation No. 1.

By Mr. Lybrand:

S. 203. To repeal Act No. 358, H. 772, Regular Session 1953, (Acts 1953, p. 425), approved August 17, 1953, entitled, "An Act to define, regulate and license barbers and barber colleges, and other like businesses within the corporate limits and police jurisdiction of the incorporated municipalities in Calhoun County, Alabama; and to create a Barbers' Commission for said county; and to fix the powers and duties of said commission; and to prescribe penalties for violations hereof."

Committee on Local Legislation No. 1.

By Mr. Branyon:

S. 204. To amend further the title and Section 1 of Act No. 8, H. 95, Special Session 1969 (Acts 1969, p. 21), as amended, which act provides for additional meetings of the county commission and for additional compensation and expense allowances for the members of said body, including the chairman or presiding judge of certain counties classified on a population basis.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 205. Relating to counties having a population of not less than 110,000 and not more than 150,000, authorizing the county governing body to furnish an additional legal stenographer for the District Attorney in certain counties classified on a population basis.

Committee on Local Legislation No. 1.

By Mr. Bailes:

S. 206. To provide for the creation of the Alabama Insurance Commission to administer the laws of the State of Alabama in regard to the Insurance Industry and to transfer the duties of the Superintendent of Insurance to the Alabama Insurance Commission and to abolish the office of Superintendent of Insurance.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Gilmore and Cook:

S. 207. Proposing an amendment to the Constitution of Alabama relative to canons of ethics for the judicial branch of state government and establishing a Commission of Judicial Ethics and to empower the Legislature to provide for a system of retirement for justices, judges and officials of courts.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Givhan, Wilson, Jones, Harris, Hawkins, Vacca and Gilmore:

S. 208. To make a conditional appropriation for funding and administering tuition grants to resident students attending private colleges in Alabama.

Committee on Finance and Taxation.

By Messrs. Givhan, Wilson, Jones, Harris, Hawkins, Vacca and Gilmore:

S. 209. To provide tuition grants to resident students of the State of Alabama who are attending private accredited colleges or universities in Alabama.

Committee on Finance and Taxation.

By Messrs. Givhan and Shelby:

S. 210. To make a conditional appropriation to the Bibb County Board of Education from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1972.

Committee on Finance and Taxation.

By Mr. Littleton:

S. 211. Relating to counties having populations of not less than 36,500 nor more than 39,200; establishing the office of warrant clerk in each commissioners district in such county; and to provide for their appointment, tenure and compensation.

Committee on Local Legislation No. 1.

By Messrs. Wilder, Branyon, Foshee, Littleton, Owen, Dozier, Jones, Gilmore, Hawkins, Vacca, Bailes, Givhan, Clark, Noonan, Register, Shelby, Horne, Weaver, Hammond, Malone, Fine, Harris, McLain, Carr, Lybrand, Edington, King, Cook, Wilson, Pierce, O'Bannon and Cooper:

S. 212. To amend Section 347 of Title 55. Code of Alabama 1940, relating to the composition of the boxing and wrestling commission.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Horne, Register, Weaver, Shelby, Wilder, Littleton, Jones and Clark:

S. 213. To provide for the creation of a department of the state to be known as the Department of Youth Services; to prescribe the powers and duties of the said department; to provide for the creation of the Alabama Youth Services board; to provide for the selection of the members of the said board; to prescribe the powers and duties of the board; to provide for the transfer of control of residential foster care facilities, and youths; to provide for the appointment of a State Youth Services Director, and to prescribe the powers and duties of the said Director; to provide court review of the decisions of the said board; to provide for reports to the Governor; to provide for the submission of an annual budget; to require competitive biddings; to authorize medical, psychiatric, surgical, and dental care for the youth of the state; to provide for the treatment, education, and disposition of youth in the custody of the said department of the said board; and to prescribe penalties for the violation of this Act.

(The President and Presiding Officer of the Senate asked if there were any objection to the above Bill, S. B. 213, being referred to the Standing Committee on Youth and Student Activities. There being no objection, said Bill was so referred.)

Committee on Youth and Student Activities.

By Mr. Foshee:

S. 214. To establish a code of ethics for governmental affairs in the State of Alabama for elected and appointed State officials, members of the Legislature and members of boards and commissions; to establish

the Alabama Board of Ethics for State Officials and fix its powers and duties in connection with said code with respect to State officials, members of the Legislature, and members of boards and commissions, to provide prescriptive periods with respect thereto; and to provide civil and criminal penalties in connection with certain violations hereof.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Foshee and Register:

S. 215. To amend Code of Alabama 1940, Title 48, Section 462, so as to provide that any person convicted of unlawfully riding on trains, buses or other public conveyances may be sentenced to imprisonment in the county jail or to hard labor for the county as well as being fined.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Noonan and Edington:

S. 216. Providing that persons licensed as public accountants under Title 51, Section 453, Code of Alabama 1940, and as Certified Public Accountants under Act No. 269, Regular Session, 1969, shall have a lien on all papers and money of their clients in their possession for services rendered to them.

Committee on Judiciary.

By Messrs. Noonan and Edington:

S. 217. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than seven nor more than sixteen Circuit Judges.

Committee on Judiciary.

By Messrs. Noonan and Edington:

S. 218. Fixing supplemental salaries of Circuit Judges in circuits composed of one county and having not less than seven nor more than sixteen Circuit Judges.

Committee on Judiciary.

By Mr. Register:

S. 219. To appropriate \$15,000 to the Alabama Real Estate Commission for each of the fiscal years ending September 30, 1972 and September 30, 1973.

(The President and Presiding Officer of the Senate asked if there were any objection to the above Bill, S. B. 219, being referred to the Standing Committee on Commerce, Transportation and Common Carriers. There being no objection, said Bill was so referred.)

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Jones:

S. 220. To authorize and make provision for the incorporation in any municipality having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any subsequent Federal Decennial Census, of Authorities as public corporations for the

purpose of promoting aviation in such municipalities through the provision of airport facilities; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance airport facilities; to confer on any such Authority the power of eminent domain; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any airport facilities or other property of such Authority, without regard to the facilities or property with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust on the facilities or property out of the revenues from which such securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such pledge of revenues; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any airport facilities, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any airport facilities or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state; to exempt every such Authority from all taxes, including license and excise taxes, levied by any county municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that certain employees of any such Authority shall be subject to and covered by any merit or civil service system applicable to the employees of the municipality by which its incorporation was authorized; and to provide for the dissolution of any such Authority and the disposition of its property.

Committee on Local Legislation No. 1.

By Mr. Hammond:

S. 221. To regulate further the salary of the Institutional Agricultural Director of the State Prison Farm System.

(The President and Presiding Officer of the Senate asked if there were any objection to the above Bill, S. B. 221, being referred to the Standing Committee on Commerce, Transportation and Common Carriers. There being no objection, said Bill was so referred.)

Committee on Commerce, Transportation
and Common Carriers.

RESOLUTION

Mr. Fine offered the following Senate Resolution, to-wit:

S. R. 56. Creating a Senate Code of Ethics

BE IT RESOLVED BY THE SENATE, That the following Code of Ethics shall be binding upon each member of the Alabama State Senate throughout his term of office:

(A) A Senator shall not accept other employment which will impair his independence of judgment in the exercise of his official duties.

(B) A Senator shall not indirectly or directly receive or agree to receive any compensation for any services rendered by him for activity before any state board, commission, or public agency when such activity is in substantial conflict between his personal interest and his duties in the public interest so as to thereby create a possibility of undue influence or wrongful advantage.

(C) A Senator shall refrain from acting and a Senator shall refrain from voting in any matter where the interest of the public and the interest of the Senator are in conflict.

BE IT FURTHER RESOLVED, That the Senate Ethics Committee established under S. R. 126, Regular Session, 1971, is hereby empowered to enforce the provisions contained in this resolution. The Senate Ethics Committee in interpreting this Code of Ethics shall take into consideration that most legislators must, in most instances, engage in employment outside of legislative work and in a number of instances maintain investments all of which in themselves are in no way in conflict with the Code of Ethics herein enunciated.

BE IT FURTHER RESOLVED, That the Senate Ethics Committee is charged with the following specific responsibilities:

(1) To render advisory opinions upon the request of any Senator as to whether the facts and circumstances of a particular case constitute or will constitute a violation or probable violation of this Senate Code of Ethics. The identity of persons involved shall be kept in confidence.

(2) To receive and consider complaints concerning alleged violations of this Senate Code of Ethics; to investigate and hold hearings.

(3) To subpoena witnesses, administer oaths and take testimony relating to matters before the committee and require the production for examination of any books or papers relative to any matter under investigation or in question before the committee. Before the committee shall exercise any of the powers authorized herein with respect to any investigation or hearings it shall by formal resolution, supported by a vote of three or more members of the committee, define the nature and scope of its inquiry.

(4) Complaints must be in writing, signed by the person making the complaint under oath. The committee shall initially investigate complaints on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public. If, after inquiry, three or more members of the committee determine that there is probable cause for belief that a violation of this Senate Code of Ethics might have occurred, a copy of the complaint and a further statement of the alleged violation shall be personally served upon the alleged violator. He shall have 20 days after service thereof to respond in writing to the complaint and statement.

Any committee member or individual, including the individual making the complaint, who divulges information concerning the complaint prior to the issuance of the complaint by the committee; or if the investigation discloses that the complaint should not be issued by the committee, at any time divulges any information concerning the original complaint, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$5,000.

(5) If three or more members of the committee shall conclude that there is reason to believe that a violation of this Senate Code of Ethics has been committed, then the committee shall set a time and place for a hearing, giving notice to the complainant and the alleged violator. All parties shall have an opportunity (1) to be heard, (2) to subpoena witnesses and require the production of any books or papers relative to the proceedings, (3) to be represented by counsel, and (4) to have the right of cross-examination. All witnesses shall testify under oath and the hearings shall, upon consent of the party complained against, be open to the public. The committee shall be bound by the strict rules of evidence and the committee's findings must be based upon competent and substantial evidence. All testimony and other evidence taken at the hearing shall be recorded. Copies of transcripts of such record shall be available to all interested parties at their own expense, and the fees therefor shall be deposited in the state's general fund.

(6) A decision of the committee pertaining to the conduct of any Senator shall be in writing and signed by three or more of the members of such ethics committee.

(7) The committee shall thereafter dismiss the complaint or, if it determines that a violation has occurred, make its findings and recommend to the Senate appropriate disciplinary action against the party or parties violating the provisions of this Senate Code of Ethics or deliver such findings to the attorney general for civil or criminal action as he may determine is warranted.

On motion of Mr. Fine, the Rules were suspended and said Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:
By Mr. Headley:

H. 315. To authorize the sheriff of Chilton County to collect and retain the fees and allowances prescribed by law for feeding prisoners.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF CHILTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize the Sheriff of Chilton County to collect and retain the fees and allowances prescribed by law for feeding prisoners.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding the Sheriff of Chilton County shall be authorized to collect and retain for his own use, as a service allowance the fees prescribed by the general law for feeding prisoners confined in the county jail.

Section 2. All laws or parts of laws in conflict with the provisions hereof be, and the same hereby are, expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHILTON

Personally appeared before the undersigned Notary Public in and for said county and state, T. E. Wyatt, Publisher of the Union-Banner, a newspaper published at Clanton, County of Chilton, State of Alabama, who, being duly sworn, states on oath that the advertisement, a true copy of which is hereto attached, was published in said newspaper in its issues of: 4th day of November, 1971, 11th day of November, 1971, 18th day of November, 1971 and 25th day of November, 1971.

T. E. WYATT,
Publisher.

Subscribed and sworn to before me this 9th day of December, 1971.

FRANCIS W. SPEAKS,
Notary Public.

Also:

By Messrs. Cross and Carter:

H. 358. To regulate the compensation of county superintendents of education in counties having populations of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to make the provisions of this Act retroactive to September 1, 1971.

Also:

By Messrs. Cross and Carter:

H. 357. To provide for the qualifications of the superintendent of education in any county having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to make the provisions of this Act retroactive to September 1, 1971.

Also:

By Mr. Headley:

H. 317. Relating to counties having a population of not less than 25,150 nor more than 26,500 according to the most recent federal decennial census; to provide compensation for members of the county hospital board.

Also:

By Messrs. Lutz, King, Grainger, Hale and Hearn:

H. 364. To repeal Act No. 1389 of the 1971 Regular Session relating to counties having a population of between 175,000 and 300,000 persons according to the last Federal Decennial Census.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 315, 358, 357, 317 and 364. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Williams:

H. 301. Relating to counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county.

Also:

By Messrs. Cross and Carter:

H. 310. Relating to counties having populations of not less than 27,000 nor more than 27,900, according to the most recent federal decennial census, whose roads and bridges are constructed and maintained by the State Highway Department, forbidding the judge of probate to remit certain funds to the State Highway Department.

Also:

By Mr. Goodwin:

H. 311. To increase the Director's fees of Boards operating public utility corporations in municipalities having a population of not less than 6,836, nor more than 6,907.

Also:

By Messrs. St. John and Drake:

H. 325. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; to repeal any Act relating to such counties numbered Act No. 1267, H. 1658, approved September 17, 1971, Regular Session 1971.

Also:

By Messrs. Drake and St. John:

H. 348. To provide expense allowance for the Court Reporter of the Thirty Second Judicial Circuit.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide expense allowance for the Court Reporter of the Thirty Second Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission or other governing body of Cullman County is hereby authorized, empowered, and directed to provide an expense allowance in the amount of \$1,800.00 per annum for the Court Reporter of the Thirty Second Judicial Circuit. Such expense allowance shall be paid in equally monthly installments out of the general funds of Cullman county, and shall be in addition to any salary and any other allowances for expenses heretofore provided by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Dec. 23, Dec. 30, 1971, Jan. 6, and Jan. 13, 1972.

MARC MILLER.

Sworn to and subscribed before me Jan. 19, 1972.

CHARLOTTE MILLER,
Notary Public.

Also:

By Messrs. Drake and St. John:

H. 349. Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the Probate Judge in such counties.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the Probate Judge in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, the Probate Judge in such counties shall be entitled to receive an expense allowance of \$2,400.00 per year, payable in monthly installments out of the general fund of the County. Such expense allowance shall be in addition to any and all other salary, compensation and allowance payable to such Probate Judge either by the State of Alabama or the County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Dec. 23, Dec. 30, 1971, Jan. 6, and Jan. 13, 1972.

MARC MILLER.

Sworn to and subscribed before me Jan. 19, 1972.

CHARLOTTE MILLER,
Notary Public.

Also:

By Messrs. Drake and St. John:

H. 350. Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the District Attorney in such counties.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the District Attorney in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, the District Attorney in such counties shall be entitled to receive an expense allowance of twenty per cent (20%) of the amount paid now or hereafter in salary by the State of Alabama, payable in monthly installments out of the general fund of the County. Such expense allowance shall be in addition to any and all other salary, compensation and allowance payable to such District Attorney either by the State of Alabama or the County.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Dec. 23, Dec. 30, 1971, Jan. 6, and Jan. 13, 1972.

MARC MILLER.

Sworn to and subscribed before me January 19, 1972.

CHARLOTTE MILLER,
Notary Public.

Also:

By Mr. Snell:

H. 319. To amend further Act No. 437, H. 774, Regular Session 1969 (Acts 1969, p. 864), which Act provides for the incorporation, management, authorization, and operation of an authority to provide in-

stallations for the amusement, entertainment, recreation, and cultural development of the citizens of certain counties classified on a population basis, amending such Act in relation to the powers of the board of directors of the authority relative to the handling of funds of the authority.

Also:

By Mr. Mathews:

H. 309. Relating to all counties having a population of not less than 12,000 nor more than 12,800 according to the most recent federal decennial census; to provide further for the pay of the coroner.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 301, 310, 311, 325, 348, 349, 350, 319 and 309. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Jones (F), Harris, Straiton and Hobbie:

H. 265. To make appropriations from the Alabama Special Education Trust Fund in the State Treasury for the use and benefit of the Alabama Industrial School, Mt. Meigs, Alabama.

Also:

By Messrs. Grainger, Hardin, Lutz, Hearn, King, Hale, McCorquodale, Edwards, Fite, Mims, Turner, Cottingham and Warren:

H. 300. To further amend Title 51, Section 17, Code of Alabama 1940, as last amended, so as to provide for a system of classification of property for ad valorem tax purposes, and to provide alternative procedures with respect to ad valorem taxes levied by any authority other than the State; to describe and define the various classes of property and to fix with respect to such classes the ratios of assessed value to the fair and reasonable market value of property within such classes; to provide for certain exemptions from taxation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 265 and 300. To the Committee on Commerce, Transportation and Common Carriers.

(The President and Presiding Officer of the Senate asked if there

were any objection to the above Bill, H. B. 265, being referred to the Standing Committee on Commerce, Transportation and Common Carriers. There being no objection, said Bill was so referred.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 20. To limit the duration of options to purchase land and the duration of notice of options heretofore or hereafter recorded.

Also:

S. 21. Amending Sections 66, 67, 69, 70 and 74, of Title 47, of the Alabama Code of 1940, to provide for the filing of lis pendens when an application has been made for an order of condemnation of land, or any interest therein.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McDonald, Lyons, McBride and Turnham:

H. 179. To amend the title and Sections 1, 2, 4, 5, 6, 7, 8 and 10 of Act No. 14, H. 5, Special Session 1969 (Acts 1969-1970, p. 28), an act to establish the Alabama Commission of Higher Education, so as to change the name of said commission to the Alabama Commission on Higher Education, and to make certain other changes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 179. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 134. Relating to counties having a population of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census; to provide that the members of the county board of education be paid an expense allowance of \$50 a month.

Also:

S. 146. To amend Act No. 1734, H. 2563, Regular Session 1971, approved September 17, 1971, which provides for juries composed of six members for trial of certain cases in the DeKalb County Court, so as to provide further for the minimum number of jurors on the list from which the six-man jury is to be struck.

Also:

S. 147. To provide that the Judge of the Inferior Court of DeKalb County shall receive as a salary the sum of \$6,900.00 per year.

Also:

S. 158. To amend the title and Section 1 of Act No. 520, H. 213, Regular Session 1971, approved August 31, 1971, which Act provides an additional expense allowance for the Probate Judge for counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census; so as to provide that such expense allowance shall be paid to the Chairman of the Board of County Commissioners instead of the Probate Judge.

Also:

S. 166. Relating to counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Reid (R):

H. 262. To authorize the county boards of education in all counties having populations of not less than 26,725 nor more than 27,250, according to the last or any subsequent federal decennial census, to furnish certain supplies and services, used for educational purposes, heretofore furnished by the county commission and relieving the county commissioners of the responsibility of furnishing such supplies and services.

Also:

By Mr. Reid (R):

H. 263. Relating to counties having populations of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; authorizing the County Board of Education to relocate their offices to new facilities at their discretion.

Also:

By Mr. Reid (R):

H. 291. Relating to counties having populations of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to provide for an expense allowance for the license inspector.

Also:

By Messrs. Pruitt and Manley:

H. 292. Relating to Sumter County; to regulate the insurance of certain public buildings within the county, together with the equipment, furniture, fixtures, and other property within such buildings; and to repeal conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Sumter County; to regulate the insurance of certain public buildings within the county, together with the equipment, furniture, fixtures, and other property within such buildings; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sumter County Board of Education, the Sumter County Commission or other board, commission, authority, public corporation or person, charged with the supervision and control of buildings in which the title in whole or in part is vested in Sumter County may insure such buildings within its jurisdiction and control, together with the furniture, fixtures and property in such buildings for the insurable value thereof, with insurance companies of its own choosing and shall not be required to insure such buildings and property by or through either the State Insurance Fund or the State Department of Finance.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared David T. Poynor, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of The Home-Record, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Dec. 1, Dec. 8, Dec. 15, and Dec. 22, all in the year 1971.

DAVID T. POYNOR, JR.

Sworn to and subscribed before me December 29, 1971.

SANDRA A. ATWELL,
Notary Public,
State of Ala., at Large.

Also:

By Mr. Reid (R):

H. 293. Relating to counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to authorize the county governing body to provide protection against forest fires within the county and to assess the whole or part of the cost thereof, within a prescribed limit, against forest lands within the county; and prescribing the procedure for levying and collecting such assessments.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 262, 263, 291, 292 and 293. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and sends same herewith to the Senate:

S. 123. To provide staff assistants for the Commissioner of Public Works and for the Commissioner of Public Affairs in all cities having a population of not less than 70,000 nor more than 135,000 inhabitants, according to the most recent federal decennial census, which have a commission form of government.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Joint Resolution

H. J. R. 92. Relative to the adjournment of the two houses.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Drake:

H. 201. To authorize and permit grocery stores to remain open on Sunday in each County in the State having a population of not less than 50,000 and not more than 52,500 inhabitants according to the last or any succeeding Federal Census, provided any such grocery store does not have on duty in such stores more than two employees at any one time on Sunday, and further provide that said grocery store does not exceed 3,500 square feet of floor space, and to provide licensing such

grocery stores by the license issuing officer of such County; authorizing the State to enjoin grocery stores remaining open on Sunday contrary to this Act.

Also:

By Messrs. Manley and Pruitt:

H. 223. Relating to counties having a population of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census; to provide that the members of the county board of education be paid an expense allowance of \$50 per month.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having a population of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census; to provide that the members of the county board of education be paid an expense allowance of \$50 a month.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 14,500 nor more than 15,500 inhabitants, according to the most and may be examined by any per-recent federal decennial census.

Section 2. All members of the county board of education in such counties shall be paid an expense allowance of \$50 per month out of any education funds available to the county for such purposes. The expense allowance provided for by this Act shall be in addition to any and all other expense allowances, compensation and salary provided for by law.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF PERRY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Albert Stewart, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Marion Times-Standard, a newspaper of general circulation published in Perry County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Dec. 9, Dec. 16, Dec. 23, and Dec. 30, all in the year 1971.

ALBERT STEWART.

Sworn to and subscribed before me December 30, 1971.

ELIZABETH F. STEWART,
Notary Public, Perry Co., Ala.

Also:

By Mr. Connell:

H. 224. Relating to all counties having a population of not less than 56,500 nor more than 59,000 according to the most recent federal decennial census, to provide for the regulation of parking on property of such counties around the county courthouse; to set a time limit for motor vehicles to be parked; to regulate parking of vehicles blocking driveways for unreasonable periods; to prohibit blocking of other vehicles lawfully parked and to prohibit parking in unauthorized places; and to authorize the sheriff and such persons as he may deputize, to enforce the provisions of this Act.

Also:

By Messrs. Hardin, Bassett and Edwards:

H. 237. To provide an allowance to the Judge of the Second Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

Also:

By Messrs. Hardin and Bassett:

H. 238. To amend Act No. 219, Acts of Alabama, Regular Session, 1949, page 311, entitled "An Act Relating to Butler County: To provide further for the County Board of Education, providing for the election of members, fixing their terms and compensation, and defining their powers and duties," amending such act in relation to the term of such members.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF BUTLER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Act No. 219, Acts of Alabama, Regular Session, 1949, Page 311, entitled "An Act Relating to Butler County: To provide further for the County Board of Education, providing for the election of members, fixing their terms and compensation, and defining their powers and duties," amending such act in relation to the terms of such members.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 219, Acts of Alabama, Regular Session, 1949, entitled "An Act Relating to Butler County: To provide

further for the County Board of Education, providin for the election of members, fixing their terms and compensation, and defining their powers and duties," as amended, is further amended to read as follows:

"Section 2. One associate member shall be elected from each of the four commissioners' districts into which the county is now divided by law. Each associate member must be a resident and qualified elector of the district he represents, and shall be nominated and elected by the qualified electors of that district.

The chairman of the board must be a resident and qualified elector of Butler County, and shall be nominated and elected by the qualified electors of the entire county. The chairman elected at the general election in 1972 shall be elected for a term of two years, commencing on the second Tuesday in January, 1973. The associate members elected at the general election in 1972 from the first and third commissioners' districts shall be elected for terms of four years commencing on the second Tuesday in January, 1973, and the associate members elected at said election in 1972 from the second and fourth commissioners' districts shall be elected for a term of six years commencing on said second Tuesday in January, 1973. After the expiration of the terms of the members elected in 1972, their successors shall each be elected for terms of six years and until their successors are elected and qualified; and such terms shall commence on the second Tuesday in January immediately following such members' election."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF BUTLER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Wm. E. Hardin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Greenville Advocate, a newspaper of general circulation published in Butler County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Dec. 2, Dec. 9, Dec. 16, and Dec. 23, all in the year 1971.

W. E. HARDIN.

Sworn to and subscribed before me Dec. 28, 1971.

PAULINE B. FULTON,
Notary Public.

Also:

By Messrs. Hardin and Bassett:

H. 239. To amend Section 18 of An Act Entitled "An Act Requiring The Registration And Licensing Of Barbers And Barber Apprentices, And Barber Colleges, Creating For The Administration Of This Act A State Board Of Barber Examiners, And Defining Violation Of This Act And Prescribing Penalties Therefor."

Also:

By Messrs. Carter and Cross:

H. 240. To provide for the election of a seven member Board of Education for the City of Athens, Alabama, and to provide for the terms of said members, to provide for the repeal of all laws or parts of laws in conflict herewith, and to provide an effective date for the act.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LIMESTONE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the election of a seven member Board of Education for the City of Athens, Alabama, and to provide for the terms of said members, to provide for the repeal of all laws or parts of laws in conflict herewith, and to provide an effective date for the act.

Be It Enacted by the Legislature of Alabama:

Section 1. The general administration and supervision of the public schools and educational interest of the City of Athens, Alabama, shall be vested in a City Board of Education, to be composed of seven members who shall be residents of such city, and who shall not be members of the City Council or Commission. The members of such City Board of Education, who shall, except as hereinafter provided, serve without compensation, shall be chosen solely because of their character and fitness, but no person shall be appointed or elected to this Board under the provisions of this section who is in any way subject to the authority of the Board.

Section 2. Immediately upon the passage and approval of this act, the City Council or Commission shall elect two additional members of the Board of Education of the City of Athens to serve in addition to those now provided by law. The term of one of the members so appointed shall be designated by the Council or Commission to expire in April of 1973. The term of one of the members so appointed shall be designated by the Council or Commission to expire in April of 1976. Thereafter the terms of all members of the Board of Education of the City of Athens shall be five years. The terms of the remaining five members of the Board of Education of the City of Athens holding office at the time of the passage of this act shall expire in accordance with their original appointments. Annually, at the regular meetings of the City Council or Commission in April the said Council or Commission shall elect a members or members of the Board of Education of the City of Athens to succeed those whose term or terms of office expire that year. In the event of a vacancy in the membership of the Board of Education of the City of Athens, by resignation or otherwise, the fact shall be reported to the City Council or Commission by the said Board, and the said Council or Commission shall elect a person to fill the vacancy for the unexpired term.

Section 3. All laws or parts of laws in conflict with this act are hereby repealed.

Section 4. The provisions of this act are declared to be severable.

If any part is declared invalid in any application, such declaration shall not affect the part which remains.

Section 5. This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bob Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Athens LC News Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on December 17, 1971, December 24, 1971, December 31, 1971 and January 7, 1972.

BOB BRYAN.

Sworn to and subscribed before me this January 7, 1972.

W. R. NELSON,
Notary Public.

My Commission Expires 7-16-74.

Also:

By Messrs. Flippo and Hill:

H. 257. Relating to counties having a population of not less than 65,500 nor more than 75,000 according to the 1970 or any subsequent federal decennial census; authorizing the establishment of a Local Government Study Commission; fixing the powers and duties of such commission; and providing for its membership.

Also:

By Mr. Coshatt:

H. 260. To alter, rearrange and extend the boundary lines and corporate limits of the City of Pell City in St. Clair County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA ST. CLAIR COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Pell City in St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Pell City in St. Clair County are hereby altered, rearranged and extended so as to include within the corporate limits of the city, an addition to the area now embraced within the corporate limits of the city, the following described property:

That portion of the South one-half of Section 26, Township 17 South, Range 3 East, lying East of Highway 231 and all that portion of the North one-half of Section 35, Township 17 South, Range 3 East lying East of Highway 231 being above the 465 foot contour elevation line as last established by the United State Coast and Geodetic Survey.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert D. Cornett, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of the St. Clair Observer, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on December 15, December 22, Dec. 29, 1971 and January 5, 1972.

ROBERT D. CORNETT.

Sworn to and subscribed before me January 5, 1972.

ANNE T. MILAM,
Notary Public.

Also:

By Messrs. Connell and Crawford:

H. 264. Relating to counties having a population of not less than 56,500 nor more than 59,000, according to the most recent federal decennial census; to authorize the county governing body to appropriate and use certain county funds and to designate and use certain county property, buildings and facilities in order to qualify for and receive federal assistance under the Federal Economic Opportunity Act of 1964.

Also:

By Messrs. Hill and Flippo:

H. 175. To amend the title and Sections 1, 3 and 14 of Act No. 306, H. 356, 1963 Regular Session (Acts 1963, p. 775) which regulated the practice of barbering and established a County Board of Barber Commissioners in certain counties classified on a population basis; and making the provisions of this amendatory act retroactive to September 1, 1971.

Also:

By Mr. Grey (D):

H. 279. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants, according to the last or any

subsequent federal decennial census; to provide an additional allowance for all salaried deputies of such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 201, 223, 224, 237, 238, 240, 257, 260, 264 and 279. To the Committee on Local Legislation No. 1.

H. B.'s 239 and 175. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Parker (H), Meeks, Gafford, Dill, Wallace and Timmons:

H. 213. Relating to the financing of sanitary sewers in each county having a population of 600,000 or more according to the last or any subsequent federal decennial census; to authorize any such county to sell and issue from time to time its interest-bearing warrants for the purpose of obtaining funds to finance the cost of acquiring or providing sanitary sewer facilities for the collection, transmission, treatment and disposal of sewage; to provide that such warrants shall evidence the general obligation indebtedness of any such county; to provide that such warrants may, at the discretion of the governing body of any such county, be additionally secured by a pledge or pledges of the revenues from such facilities, or the proceeds from certain taxes, or both such revenues and such taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to authorize any such county to enter into the undertakings and to assume the obligations permitted by Act No. 42 enacted at the 1971 Regular Session of the Legislature; to provide that the issuance of any warrants and the interest coupons applicable thereto or the execution of any contract pursuant to the said Act No. 42 shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof; to exempt such warrants and contracts from the provisions of Chapters 6 and 8 of Title 12 of the Code of Alabama of 1940, as amended; and to provide for the severability of the provisions of this Act.

Also:

By Messrs. Collins, Lyons and Callahan:

H. 231. To alter and rearrange the boundaries between the cities of Mobile and Prichard so as to detach certain territory from the city of Mobile and annex the same to the City of Prichard.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter and rearrange the boundaries between the cities of Mobile and Prichard so as to detach certain territory from the city of Mobile and annex the same to the city of Prichard.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary line between the city of Mobile and the City of Prichard in Mobile County shall be altered and rearranged so as to incorporate within the city of Prichard the following described territory which now lies within the corporate limits of the city of Mobile, to-wit:

"Begin at a point on the centerline of Alley No. 7 in the Owens Division of the St. Louis Tract as shown by map of the survey of said division of the St. Louis Tract, as recorded in Deed Book 220 N. S., Page 291-3 of the records in the Probate Office of Mobile County, Alabama, said point being where the centerline of Alley No. 7 intersects the centerline of Stanton Road (Anton Street) said point is also a point on the boundary line between the City of Mobile and the City of Prichard. Thence run North 32 degrees-11' West for a distance of 698.92 feet along said boundary between the cities to the half section line of section 31, Township 3 South, Range 1 West; thence West along said half section line which is also the boundary between said cities to the Western boundary of said St. Louis Tract; Thence Southeastwardly along the said Western boundary of said St. Louis Tract to the centerline of said Alley No. 7; Thence Northeastwardly along said Alley No. 7 to the Point of Beginning."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Judy Beasley being sworn, says that she is Bookkeeper of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register Dec. 17, 24, 31, 1971 and Jan. 7, 1972.

JUDY BEASLEY.

Sworn to and subscribed before me this 7th day of Jan. 1972.

E. E. KOCH,
Notary Public.

Also:

By Messrs. Therrell, Collins, Callahan, Stokes, Nettles, Perloff and Lyons:

H. 124. To amend Section 4 of Title 12 of the Code of Alabama of 1940, As Amended by an Act of the Legislature entitled, "To Amend

Section 4 of Title 12 of the 1940 Code of Alabama," approved on September 19, 1949, and an Act of the Legislature entitled, "To Amend Title 12, Section 4, Code of Alabama, 1940, as amended pertaining to reports and remittances by tax collectors", approved September 23, 1959, to authorize depositories for county health funds.

Also:

By Mr. Wood:

H. 182. To alter, extend and rearrange the boundary lines of the City of Saraland, Mobile County, Alabama, so as to include within the corporate limits of the City all territory now within such corporate limits and also certain other territory in Mobile County, Alabama, contiguous to said City.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE
A BILL
TO BE ENTITLED
AN ACT

To alter, extend and rearrange the boundary lines of the City of Saraland, Mobile County, so as to include within the corporate limits of the City all territory now within such corporate limits and also certain other territory in Mobile County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Saraland, Mobile County, Alabama, be, and the same are hereby altered, extended, and rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Saraland, Alabama, and in addition thereto the following described territory, to-wit:

PARCEL ONE:

Commencing at the Northwest corner of Section 32, Township 2 South, Range 1 West: thence run Southwardly and along the West line of said Section 32, 2131.7 feet to a point on the centerline of Bayou Sara Creek and the Point of Beginning: thence Southwestwardly and along the meanderings of the centerline of said Bayou Sara Creek, 1455 feet more or less to a point: thence run Southwardly and parallel with the West line of said Section 32, 1536 feet; thence run Eastwardly and parallel with the South line of said Section 32, 720.00 feet to the Southwest corner of Lot 2, according to map of "Partition of the Estate of Appoline Alvarez," as recorded in the Office of the Judge of Probate, Mobile, County, Ala., in Deed Book 87 N. S., Page 143: thence continue Eastwardly and along the South line of the said "Partition of the Estate of Appoline Alvarez," 3960 feet more or less to the point of intersection with the existing City Limits Line of the City of Saraland, Alabama: thence run Northwardly and along the said existing City Limits Line, 233.2 feet to a point: said point being the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 32, thence run Westwardly and along the South line of the said Northwest Quarter, and the North $\frac{1}{2}$ of the Southwest Quarter of said Section 32, and also being along the existing City Limits Line of the City of Saraland, Alabama, 3960 feet to a point of the West Line of said Section 32: thence run Northwardly and along the West line of said Section 32, and the Westerly

City Limits Line of the City of Saraland, Alabama, 1832 feet to a point on the Centerline of Bayou Sara Creek and the point of beginning.

PARCEL TWO:

Commencing at the Northeast corner of Section 31, Township 2 South, Range 1 West, thence run East 10.74 feet; thence run South 2131.7 feet, more or less to a point on the centerline of Bayou Sara Creek and the Point of Beginning: thence continue South 288.1 feet, more or less, to a point; thence South 00 degrees 16 minutes West, 1777.10 feet: thence North 89 degrees 05 minutes 30 seconds West 720 feet, thence North 00 degrees 16 minutes East, 1536 feet, more or less, to a point on the centerline of Bayou Sara Creek thence run Northeastwardly and along the meanderings of the centerline of Bayou Sara Creek, 1455 feet, more or less, to the point of beginning.

Section 2. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF MOBILE**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Luis Williams, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Mobile Press Register, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Nov. 10, Nov. 17, Nov. 24, and Dec. 1, all in the year 1971.

LUIS WILLIAMS,

Sworn to and subscribed before me Dec. 1, 1971.

E. E. KOCH,
Notary Public.

Also:

By Messrs. King, Grainger, Hale, Hearn and Lutz:

H. 252. Proposing an amendment to the Constitution of Alabama authorizing the Legislature to provide by local law the manner in which application for registration to vote in Madison County shall be made.

Also:

By Messrs. Lutz, Grainger, Hearn and King:

H. 253. Relating to Solicitor's or District Attorney's funds in judicial circuits consisting of one county and one county having not less than 175,000 nor more than 300,000 according to the most recent federal decennial census.

Also:

By Messrs. Hearn, Grainger, King and Lutz:

H. 254. To apply only in counties having a population not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; fixing and providing for a uniform and clothing allowance for deputies and members of the sheriff's force of such counties.

Also:

By Messrs. King, Hearn, Lutz and Grainger:

H. 255. To apply only to counties having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws.

Also:

By Messrs. Lutz, Grainger, King and Hearn:

H. 256. To authorize and creat an additional judge of the Madison County Court and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other judge of the Madison County Court, to provide for the designation of each of the two positions of the judges of the Madison County Court by number and to provide for the salary of the additional judge.

With notice and proof thereto attached and herewith exhibited as follows:

THE STATE OF ALABAMA
MADISON COUNTY

A BILL
TO BE ENTITLED
AN ACT

To authorize and create an additional judge of the Madison County Court and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other judge of the Madison County Court, to provide for the designation of each of the two positions for the salary of the additional judge.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be two judges for the Madison County Court, which was created by Act No. 661, Acts of Alabama, 1957, Vol. 2, page 1003. The judge currently serving as judge of the Madison County Court when this Act becomes effective shall be judge Number One of such court and the additional judgeship hereby created shall be judge Number Two of such court. A judge for the position of judgeship Number Two on the court shall be elected at the general election in November, 1972. He shall take office as soon as he has qualified thereafter and shall serve for a term of six years and until the first Monday after the second Tuesday in January, 1979, and until his successor has been elected and has qualified. At the general election held in 1978 and every six years thereafter a judge for judgeship Number Two of the Madison County Court shall be elected by the qualified voters of Madison County. The additional judge for the Madison County Court provided for by this Act shall have and exercise all the jurisdiction, powers, rights and authority conferred on the present judge of the Madison County Court by said Act No. 661 of the Regular Session of 1957. He shall in the same manner receive the same compensation and allowances as the present judge of the Madison County Court does.

The additional judge provided for by this Act shall take the same oath of office, possess the same qualifications, be subject to the same penalties and obligations, and perform the same duties as any other judge of the Madison County Court, however, the present judge of

the Madison County Court shall be the presiding judge of such court until the expiration of his term of office, and after the expiration of his term of office, the judge who has been in office as judge of such court the longest, shall be the presiding judge. If neither of them has been in office longer than the other, then the judge who is the oldest shall be the presiding judge. It shall be the duty of the presiding judge to supervise the administrative functions of the Madison County Court, however, all the judges of such court shall have authority to direct activities of the Madison County Court so long as the orders of the associate judge do not conflict with the orders of the presiding judge.

Section 2. If the judge for position Number One and the judge for position Number Two are both holding court at the same time, then the judge for Place Number Two shall have authority to order the sheriff of Madison County to furnish him a deputy to serve as bailiff of the court.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared GARY BUCKNER, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was ADVERTISING DIRECTOR of the HUNTSVILLE NEWS, a newspaper of general circulation published in MADISON County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on DEC. 22, DEC. 30, 1971, JAN. 4, and JAN. 10, 1972.

GARY BUCKNER.

Sworn to and subscribed before me JAN 10, 1972.

OPAL H. DILWORTH,
Notary Public.

Also:

By Mr. Easters:

H. 247. To amend Section 1 of Act No. 1165, H. 1509, Regular Session 1971, approved September 7, 1971, which relates to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; authorizing an expense allowance for the assistant district attorney of the inferior court so as to make such expense allowance mandatory; and to make the provisions of this amendment retroactive to September 7, 1971.

Also:

By Mr. Easters:

H. 248. To amend Section 1 of Act No. 1166, H. 1510, Regular Session 1971, approved September 7, 1971, which relates to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; authorizing an expense allowance for the judge of inferior court so as to make such expense allowance mandatory; and to make the provisions of this amendment retroactive to September 7, 1971.

Also:

By Messrs. St. John and Drake:

H. 280. To repeal Act No. 1267, H. 1658, approved September 17, 1971, Regular Session 1971, entitled, "An act relating to Cullman County; providing an additional expense allowance to the Judge of the Inferior Court or Intermediate Court."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B. 213. To the Committee on Local Legislation No. 2.

H. B.'s 231, 182, 252, 253, 254, 255, 256, 247, 248 and 280. To the Committee on Local Legislation No. 1.

H. B. 124. To the Committee on Commerce, Transportation and Common Carriers.

(The above numbered Bill, H. B. 252, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Williams:

H. 216. To amend the title and Sections 2 and 4 of Act No. 4, S. 53, Regular Session 1969, (Acts 1969, p. 297) which Act permits corporations to pay a rate or rates of interest not to exceed 15% per annum on the loan or forbearance of money having an original principal balance of more than \$10,000 and less than \$100,000, and permits a corporation to pay such rates on loans in excess of \$100,000 as that corporation may determine under certain restrictions, in order to extend such loan provisions to general and limited partnerships.

Also:

By Mr. Snell:

H. 193. To amend Act No. 407, H. 198 of the Regular Session of 1971, which establishes general qualifications for licensees as insurance agents, brokers and solicitors, so as to provide that the residence and domiciliary requirement may be waived if the applicant for a license is a bona fide resident of and maintains an established office in a populous community lying partly in Alabama and partly in an ad-

joining state, which is composed of two or more contiguous cities, towns, or villages not completely separated by a natural boundary.

Also:

By Mr. McCorquodale:

H. 202. To amend further Act No. 672, S. 99 of the Regular Session of 1965 (Acts 1965, p. 1208), which is known as the Farmers Market Authority Act, said amendment relating to the annual salary of the Administrator of the Farmers Market Authority.

Also:

By Mr. Smith (P):

H. 218. To make a supplemental appropriation to the Farmers Market Authority for the fiscal years ending September 30, 1972 and September 30, 1973.

Also:

By Messrs. Ellis, Smith (P), McCluskey and Wallace:

H. 222. To make an appropriation for each year of the ensuing biennium from the general fund in the State Treasury to be used by the State Department of Pensions and Security to match federal funds for the purpose of paying the increase in benefits to the blind pursuant to Act No. 574 of the 1963 Regular Session of the Legislature, as amended by Act No. 2429, H. 2067 of the 1971 Regular Session.

Also:

By Mr. Merrill:

H. 249. Providing an appropriation of \$150,000 from the General Fund of the State of Alabama for the use of the legislature for equipment and repairs necessary in the Senate and House.

Also:

By Messrs. Drake and Williams:

H. 233. Relating to highways; to control and regulate the erection and maintenance of outdoor advertising devices or signs on lands adjacent to the Federal-Aid Primary System and The National System of Interstate and Defense Highways in Alabama; to provide compensation for removal or relocation of advertising devices; to define terms; to issue permits and collect fees therefore; to provide for violations and penalties; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; to provide how this Act may be cited; and to provide a severability clause.

Also:

By Messrs. Drake and Williams:

H. 234. To amend Section 5 of Act No. 90, S. 66, 1971 First Special Session, approved May 12, 1971, entitled "An Act To make appropriations for the operation and maintenance of the State Highway Department, for payment of the principal of and interest on bonds heretofore or hereafter issued for public highway and bridge purposes by the State, Alabama Highway Authority or Alabama Highway Finance Corporation, for salaries, other expenses, equipment purchases, automotive equipment purchases, and for the construction and maintenance of public highways and bridges in the State, which are a part of the State Highway System; and to make conditional allocations to cities and

counties for construction, reconstruction, and improvement of public roads and bridges," so as to provide that the appropriations made under said Section 5 for use in matching federal funds for constructing public roads and bridges may be increased by the State Highway Director as is necessary to secure available federal funds.

Also:

By Messrs. Drake and Williams:

H. 235. To amend Section 8 of Act No. 159, S. 289, Regular Session, 1969 (Acts of Alabama 1969, Page 442) Approved July 10, 1969, entitled "An Act relating to displacement of individuals, families, farm operations, businesses and non-profit organizations; providing that payments may be made to them as a result of moving from their home, farm, or business due to acquisition of their property for highway construction purposes; providing that relocation moving payments be considered a part of highway construction; providing that the Highway Department may provide a relocation advisory assistance program in keeping with this Act; providing optional modes of payment to those displaced and covered under this Act; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; authorizing the Highway Director to adopt applicable Federal rules and regulations to implement this Act and to comply with the relocation assistance provisions of the Federal-Aid Highway Act of 1968, and subsequent Federal Acts related thereto; repealing Section 39(2), Title 23, Code of Alabama 1940, Recompiled 1958; to provide how this Act may be cited; and to provide a severability clause."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 216, 193, 202, 218, 222, 249, 233, 234 and 235. To the Committee on Commerce, Transportation and Common Carriers.

(The President and Presiding Officer of the Senate asked if there were any objection to the above Bills, H. B.'s 218, 222 and 249, being referred to the Standing Committee on Commerce, Transportation and Common Carriers. There being no objection, said Bills were so referred.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 15. Amending Act Number 624, Alabama Laws, Regular Session, 1965, as amended by Act Number 121, Alabama Laws, Regular Session, 1969, providing for the recitation of the draftsman of certain instruments, so as to give such Acts statewide effect.

Also:

S. 19. Limiting the Duration of Contracts for the Sale of Land and Limiting the Notice of Contracts for the Sale of Land recorded Either before or After the Effective Date of this Act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 105. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Fourteenth Judicial Circuit of Alabama.

Also:

S. 126. Providing further for the operation and functioning of the Court of Common Pleas of Lee County; authorizing and providing for an additional expense allowance for the judge of such court; authorizing and regulating the employment of certain officers, clerks and other assistants and employees for the court; and providing for the payment of their salaries and certain expenses out of the county treasury.

Also:

S. 132. To amend Act No. 403, H. 330, Regular Session 1971, approved August 19, 1971, amending Section 18 of said Act in relation to the counties in which the Act shall not apply.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 119. To provide for a State supplement to the Deputy District Attorney in the Thirty-first Judicial Circuit.

Also:

S. 136. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 2 and 11, Township 16N, Range 18E, Montgomery County, Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 48. MOURNING THE DEATH OF DR. E. O. MAJURE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Easters:

H. J. R. 103. CONGRATULATING THE ELBA HIGH SCHOOL BAND FOR WINNING FIRST PLACE IN THE PEACH BOWL MARCHING CONTEST IN ATLANTA, GEORGIA.

Also:

By Mr. Hill:

H. J. R. 104. REQUESTING THAT ACT NO. 407, H. 198, REGULAR SESSION 1971, APPROVED AUGUST 6, 1971, BE NAMED THE TIMMONS-TAYLOR-LYBRAND INSURANCE CODE BILL.

Also:

By Mr. Robertson:

H. J. R. 107. CONGRATULATING REPRESENTATIVE JOHN CULVER UPON BECOMING A GRANDFATHER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 103, 104 and 107, the titles of which are set out in the foregoing Message from the House, were severally read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McLain:

S. 84. To amend further Code of Alabama 1940, Title 30, Section 21, relating to persons on jury rolls.

By Mr. McLain:

S. 85. To amend Code of Alabama 1940, Title 26, Section 337, to make provisions thereof applicable to all employees.

Mr. Owen, Chairman of the Standing Committee on Conservation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 149. To amend Act No. 473, Section 11(a), 1969 Acts of Alabama, page 927, so as to exclude certain Forestry Commission vehicles from the provisions of Act No. 473.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Dozier:

S. 199. To be known as the "Consumer Protection Bill," prohibiting the commission of certain fraudulent and deceptive practices; creating the Alabama Consumer Council and providing for the membership and powers thereof; creating a Division of Consumer Services and prescribing the duties thereof; providing for administration and enforcement of the Act; and providing penalties; providing appropriations.

By Mr. Owen:

S. 140. To amend further Act No. 672, S. 99 of the Regular Session of 1965 (Acts 1965, p. 1208), which is known as the Farmers Market Authority Act, said amendment relating to the annual salary of the Administrator of the Farmers Market Authority.

By Mr. Hammond:

S. 187. To amend Code of Alabama 1940, Title 48, Section 5, which relates to members of the Alabama Public Service Commission, by revising the local residence requirements for said commissioners.

By Mr. Lutz:

H. 131. To authorize and provide for minute entries in misdemeanor cases appealed from a city recorder's court, county court, mayor's court, police court, or any municipal court, to the circuit courts or any other courts of record in Alabama.

By Mr. Jones:

S. 198. To authorize the State Treasurer to withdraw from capital outlay funds the unexpended balance from the sum appropriated for such purposes, to Mt. Meigs Industrial School by Act No. 761, H. 622, Regular Session 1969, and to appropriate said balance to the school for operation and maintenance.

By Mr. Jones:

S. 196. To clarify the requirements of law respecting publication of certain municipal ordinances and resolutions; and to validate certain leases heretofore entered into by municipalities, notwithstanding the fact that the ordinance or resolution authorizing any such lease was not published.

By Mr. Hammond:

S. 131. To regulate further the salary of the Institutional Agricultural Director of the State Prison Farm System.

By Mr. Bailes:

S. 168. To authorize the State of Alabama, Department of Conservation, Division of State Parks, Monuments and Historical Sites, to enter into contracts with persons, firms or corporations to operate concessions within state park areas, said concession contracts to be awarded on a competitive bid basis; to provide for negotiated concession contracts in particular instances; and to provide for cancellation of said concession contracts.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McLain (with substitute):

S. 182. To amend further Section 3 of Act No. 402, General Acts 1945, page 624, entitled "An Act relating to Aeronautics; providing for the promotion, encouragement, development and regulation thereof within this State; creating a State Department of Aeronautics consisting of a State Aeronautics Commission and a Director of Aeronautics; prescribing their respective duties and powers; providing for the transfer from the Alabama Aviation Commission to the Department of Aeronautics all properties, personnel and funds held by, and all matters and subjects handled by, said Aviation Commission; providing for an Aeronautics Department fund and an Airport Development Fund and making appropriations therefor; prescribing penalties and making uniform the law with reference to state development and regulation of aeronautics, as last amended.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Foshee:

S. 195. Providing further for the regulation of transportation companies and public utilities; establishing and providing for a state department of transportation and utilities, a board to be known as the Alabama board of transportation and utilities, and the offices of administrator of transportation and utilities and of executive assistant to such administrator; providing that such department shall be in charge of an administrator who shall be appointed by and serve at the pleasure of and whose actions shall be supervised and controlled by a legislative committee on transportation and utilities, which is hereby created and provided for; prescribing the qualifications, powers, duties, and compensation of the administrator; providing for the appointment of the board of transportation and utilities, and prescribing the powers, duties and authority of such board; prescribing the qualifications, compensation, term of office and duties of the members of such board; prescribing certain procedures for rule, order and decision making by the board of transportation and utilities, regulating hearings before such board, and providing for appeals from its orders, determinations, rules and regulations; abolishing the Alabama Public Service Commission and transferring the functions, funds, personnel, records, equipment, furniture, fixtures and other property and effects, some to the department of transportation and utilities and some to the board.

By Mr. Harris:

S. 169. To amend Section 8 of Act No. 159, S. 289, Regular Session, 1969 (Acts of Alabama 1969, Page 442) Approved July 10, 1969, entitled "An Act" Relating to displacement of individuals, families, farm operations, businesses and non-profit organizations; providing that payments may be made to them as a result of moving from their home, farm, or business due to acquisition of their property for highway construction purposes; providing that relocation moving payments be considered a part of highway construction; providing that the highway department may provide a relocation advisory assistance program in keeping with this Act; providing optional modes of payment to those displaced and covered under this Act; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; authorizing the Highway Director to adopt applicable federal rules and regulations to implement this Act and to comply with the relocation assistant provisions of the Federal-Aid Highway Act of 1968, and subsequent Federal Acts related thereto; repealing Section 39(2), Title 23, Code of Ala-

bama 1940, recompiled 1958; to provide how this Act may be cited; and to provide a severability clause.

By Mr. Harris:

S. 170. Relating to highways; to control and regulate the erection and maintenance of outdoor advertising devices or signs on lands adjacent to the Federal-Aid Primary System and the National System of Interstate and Defense Highways in Alabama; to provide compensation for removal or relocation of advertising devices; to define terms; to issue permits and collect fees therefore; to provide for violations and penalties; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; to provide how this Act may be cited; and to provide a severability clause.

By Mr. Harris:

S. 179. To create a State Commission on Salaries for the purpose of assisting the Legislature in ascertaining the salaries or compensation of constitutional state officers, justices and judges of state courts and certain state officers, offices and positions; to provide for the composition of the Commission, for the terms of office, method of appointment, allowances and expenses of Commission members; to provide a method of filling vacancies; to authorize the members to select a Chairman; to provide for a Secretary of the Commission; to fix salaries or compensation for said state officers, justices, judges, offices and positions; to direct and empower the Commission to make findings of fact pertaining to the amounts of such salary or compensation; to provide for the filing of written reports of the results and determinations of each study conducted by the Commission; to provide for the alteration or rejection by Act of Legislature of the determinations made by the Commission; to provide for the effective date of the establishment of such salaries or compensation; to provide for the filing of any reports of the Commission with certain offices; to appropriate sufficient monies to pay for the salaries or compensation of the officers, offices and positions affected by this act.

By Mr. Harris:

S. 180. To provide for the control of and the procedure concerning purchases made by circuit judges of law books, equipment, robes and other materials and supplies reasonably necessary and essential for the operation of his office or court.

By Mr. Grey (D), et al:

H. 149. To provide that whenever any eye and physical examination is required of an individual as a prerequisite to employment, the purchase of eye glasses or other visual aids shall not be required until the job applicant shall have passed the physical examination and have been given a valid offer of employment; to make the violation of the provisions of this act a misdemeanor.

By Mr. Cooper:

S. 181. To provide for the reapportionment of the Alabama Legislature by giving weighted votes to each member of the House and Senate in accordance to the total number of persons residing within the district they represent; to provide that the Secretary of State shall automatically reapportion the Legislature of Alabama after each federal decennial census by automatically figuring and proclaiming the weight of the vote that shall be cast by each member of the House and Senate of the Alabama Legislature.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Reid (R):

H. 195. Relating to counties having a population of not less than 26,725 nor more than 27,250, according to the most recent federal decennial census, to authorize the county commission of such counties to appropriate an amount not to exceed \$5,200 out of the general fund for the relief of Walter L. Nelson.

By Mr. Fite:

H. 197. Relating to counties having a population of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; permitting the county governing body to employ an additional deputy sheriff.

By Messrs. Merrill, Stewart and Burgess:

H. 210. To amend Sections 1 and 2 of Act No. 175, H. 460, Regular Session 1965, (Acts 1965, p. 246), which provides for an increase in the compensation of the coroner and deputy coroner of certain counties classified on a population basis.

By Messrs. Merrill, Burgess and Stewart:

H. 211. To amend Act No. 583, H. 1479, Regular Session 1971, entitled "An Act To provide for an expense allowance for the Tax Assessor, Tax Collector, Probate Judge, Circuit Court Clerk, Chairman of the County Commission, Judge of County Court and Register in Equity, Judge of Juvenile Court, Commissioner of Licenses, and Associate Commissioners in all counties having populations not less than 95,000 nor more than 115,000 according to the most recent federal decennial census," amending the title and Section 2 of such Act so as to delete from the enumeration of the officers entitled to the expense allowance thereby provided the judge of the county court and to provide for the payment of travel expenses outside the county on county business in addition to the prescribed expense allowances.

By Messrs. Lutz, Hale, Hearn, Grainger and King:

H. 215. Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provision of the act; repealing all laws or parts of laws inconsistent with the provisions hereof.

By Mr. Coshatt (with notice and proof):

H. 217. To alter and re-arrange the boundary lines of the town of Ragland, Alabama so as to include within the corporate limits of said town, all territory now within such corporate limits and all certain other territory in St. Clair County, contiguous to said town.

By Mr. Grey (D) (with notice and proof):

H. 220. Relating to Lamar County, providing further for the election of the members of the governing body of said county.

By Messrs. Cross and Carter (with notice and proof):

H. 221. To amend Sections 2, 3, 4 and 9 of Act No. 56, H. 377, Regular Session 1971, which Act created an inferior court for Lawrence County, by revising the jurisdiction, costs, and certain procedures of said court; and by revising the qualifications of the judge, the method of his appointment and his salary.

By Mr. Baker (with notice and proof):

H. 229. To amend Act No. 1734, H. 2563, Regular Session 1971, approved September 17, 1971, which provides for juries composed of six members for trial of certain cases in the DeKalb County Court, so as to provide further for the minimum number of jurors on the list from which the six-man jury is to be struck.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ellis, et al:

H. 189. To provide additional compensation for members of the Board of Registrars in all counties of this state having a population of 500,000 or more according to the most recent or any subsequent federal decennial census.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Senate Chambers
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor relative to an appointment to the Board of Trustees of the University of Montevallo.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 20TH DAY OF JANUARY, 1972

To the Senate of Alabama
Senate Chambers
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following person on the Board of Trustees of the University of Montevallo:

Mr. J. J. Williams, Bridgeport, Alabama; From the Fifth Congressional District, for the term expiring January 1, 1983.

The above appointment is submitted for confirmation or for such action as you may deem right and proper.

Respectfully,
 GEORGE C. WALLACE,
 Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of Montevallo, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 4:05 P. M., on motion of Mr. Carr, the Senate adjourned until Thursday, January 27, 1972, at 2 o'clock P. M.

TWENTY-SECOND LEGISLATIVE DAY

THURSDAY, JANUARY 27, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles M. Langford, Associate Minister, First United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Dozier	Horne	Owen
Bailes	Fine	Jones	Pierce
Branyon	Foshee	King	Register
Carr	Gilmore	Littleton	Shelby
Clark	Givhan	Lybrand	Vacca
Cook	Hammond	McLain	Weaver
Cooper	Harris	Noonan	Wilder
Dominick	Hawkins	O'Bannon	Wilson

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JOURNAL

On motion of Mr. Hawkins, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-first Legislative Day and finds same correct and

containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Twenty-first Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Hawkins, leaves of absence were granted Messrs. Lindsey, Edington, Pelham and Malone for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 48. MOURNING THE DEATH OF DR. E. O. MAJURE.

Also:

S. 15. Amending Act Number 624, Alabama Laws, Regular Session, 1965, as amended by Act Number 121, Alabama Laws, Regular Session, 1969, providing for the recitation of the draftsman of certain instruments, so as to give such Acts statewide effect.

Also:

S. 19. Limiting the Duration of Contracts for the Sale of Land and Limiting the Notice of Contracts for the Sale of Land recorded Either before or After the Effective Date of this Act.

Also:

S. 20. To limit the duration of options to purchase land and the duration of notice of options heretofore or hereafter recorded.

Also:

S. 21. Amending Sections 66, 67, 69, 70 and 74, of Title 47, of the Alabama Code of 1940, to provide for the filing of a lis pendens when an application has been made for an order of condemnation of land, or any interest therein.

Also:

S. 105. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Fourteenth Judicial Circuit of Alabama.

Also:

S. 119. To provide for a State supplement to the Deputy District Attorney in the Thirty-first Judicial Circuit.

Also:

S. 123. To provide staff assistants for the Commissioner of Public Works and for the Commissioner of Public Affairs in all cities having a population of not less than 70,000 nor more than 135,000 inhabitants, according to the most recent federal decennial census, which have a commission form of government.

Also:

S. 126. Providing further for the operation and functioning of the Court of Common Pleas of Lee County; authorizing and providing for an additional expense allowance for the judge of such court; authorizing and regulating the employment of certain officers, clerks and other assistants and employees for the court; and providing for the payment of their salaries and certain expenses out of the county treasury.

Also:

S. 132. To amend Act No. 403, H. 330, Regular Session 1971, approved August 19, 1971, amending Section 18 of said Act in relation to the counties in which the Act shall not apply.

Also:

S. 134. Relating to counties having a population of not less than 14,500 nor more than 15,500, according to the most recent federal decennial census; to provide that the members of the county board of education be paid an expense allowance of \$50 a month.

Also:

S. 136. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 2 and 11, Township 16N, Range 18E, Montgomery County, Alabama.

Also:

S. 146. To amend Act No. 1734, H. 2563, Regular Session 1971, approved September 17, 1971, which provides for juries composed of six members for trial of certain cases in the DeKalb County Court, so as to provide further for the minimum number of jurors on the list from which the six-man jury is to be struck.

Also:

S. 147. To provide that the Judge of the Inferior Court of DeKalb County shall receive as a salary the sum of \$6,900.00 per year.

Also:

S. 158. To amend the title and Section 1 of Act No. 520, H. 213, Regular Session 1971, approved August 31, 1971, which Act provides an additional expense allowance for the Probate Judge for counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census; so as to provide that such expense allowance shall be paid to the Chairman of the Board of County Commissioners instead of the Probate Judge.

Also:

S. 166. Relating to counties having a population of not less than 38,100 nor more than 40,500 according to the most recent federal decennial census; to provide for a clerk hire allowance for the Board of Registrars of said county.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 128. To exempt from all state, county and municipal sales and use taxes all medicines prescribed by a physician for persons 65 years of age or older; to provide acceptable means of proof of age for the purposes of this Act; to provide a penalty for the filing of any false proof of age; and to repeal all laws which are in conflict with this Act and especially Act Number 2128, Acts of Alabama 1971, Regular Session, approved September 20, 1971.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Turner, Burgess, Turnham, Easters, Stubbs, Hobbie, Culver, Merrill, Crawford, Williams, Downing, Owens, Lyons, Jones (F), Mathews, Fite, McCorquodale and Robertson:

H. 322. To amend the definition of a political party eligible to conduct primary elections; to amend Title 17, Sections 337 and 412, Code of Alabama, 1940, as amended; to provide that the requirement for determination of a political party be based on a percentage of the total votes cast for a county or state constitutional officer.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 322. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Turner, Burgess, Turnham, Easters, Culver, Merrill, Hobbie, Crawford, Downing, Stubbs, Williams, Owens, Lyons, Mathews, Fite, Jones (F), McCorquodale and Robertson:

H. 321. To provide that the names of candidates for President and Vice President of the United States shall appear on the official ballot in general elections; to describe the form of ballot to be used in such election and to provide the method of determining the names of such Presidential and Vice Presidential candidates; and to further provide for the form of the ballot when elector candidates are unpledged to any Presidential or Vice Presidential candidate.

Also:

By Mr. Owens:

H. 302. To enact the Alabama Insurance Holding Company System Regulatory Act relating to insurance; to provide for the regulation of insurance holding company systems; to define the term "insurance holding company system" and certain other terms; to provide for and regulate the acquisition of subsidiaries of insurers; to regulate the acquisition of control of or merger with domestic insurers; to provide for the filing of certain information with the Superintendent of Insurance; to prescribe grounds for approval of mergers and acquisitions; to provide for notice and hearing; to provide for exemptions; to provide for registration of insurers and to prescribe information to be filed; to provide for amendments to registration statements; to provide for exemptions and disclaimers; to provide standards for material transactions between insurers and their affiliates; to regulate extraordinary dividends and distributions; to provide for examination by the Superintendent of Insurance with the respect to the verification of information required to be filed; to provide confidential treatment for information filed pursuant to the provisions of the Act; to empower the Superintendent of Insurance to issue rules, regulations, and orders to carry out and administer the provisions of the Act; to authorize the Superintendent of Insurance to enjoin violations of the Act; to prohibit voting of equity securities acquired in violation of the Act; to provide for the sequestration of securities acquired contrary to the provisions of the Act; to provide criminal penalties; to provide for receivership, revocation or suspension of license for violation of the Act; to provide for judicial review; to supercede conflicting laws; to provide for separability of provisions; and to provide an effective date.

Also:

By Messrs. Straiton, Jones (F), Coshatt and Drake:

H. 267. To establish a pension fund for Alabama fire fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on insurers against fire, lightning,

and related hazards, to fix membership dues, and authorize gifts, contributions and donations to the fund.

Also:

By Messrs. Mims, Warren, Wood, Collins, McCorquodale and Taylor:

H. 271. Relating to the total rehabilitation of certain persons both male and female convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections.

Also:

By Messrs. Mims, Warren, Jones (F), Burgess and Wood:

H. 273. To amend Title 42, Section 8 of the Code of Alabama 1940, as amended, so as to liberalize the conditions under which prisoners may be given temporary paroles and furloughs.

Also:

By Messrs. Doss, Roberts, Jones (E), Jones (F), Gloor, Erdreich, Falkenburg, Parker (H), Stewart, Naramore, Cauthen, Gafford, Manley, Lyons, Crowe, Bowers, Flippo, Hardin, Agee, McCorquodale, Bassett, Brassell, Adams, Barkett, Straiton, Dill, Adwell, Nettles, Stubbs, Mims, Parker (T), Merrill, Bank, Robertson, Owens, Ellis, Wynot, Lutz, Carter, Hearn, Smith (P), Boles, St. John, McBride, Timmons, Weeks, Boutwell, Grainger, Drake, Burgess, Callahan, Perloff, Warren, Stokes, Harris, Collins, Cherner, Waggoner, McDonald, Meeks, Wallace, Cross, Taylor, Culver, Goodwin, Reynolds, Coshatt, Lang, Reed (T), Gray (F), Headley, Carnes, Waldrop, Edwards, Chesnut and Therrell:

H. 241. To amend Section XI of Act No. 399, 1969 Acts of Alabama (p. 773) entitled "An Act to provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act" so as to increase the penalties prescribed therein; and to provide for a procedure whereby any group of citizens of this State may, under certain conditions, seek enforcement of the provisions of this act when those whose duty is to enforce said act fail to do so.

Also:

By Messrs. Doss, Roberts, Jones (E), Jones (F), Gloor, Falkenburg, Parker (H), Stewart, Naramore, Cauthen, Crowe, Flippo, Manley, Gafford, Lyons, Bowers, Hardin, Agee, McCorquodale, Bassett, Brassell, Erdreich, Adams, Barkett, Straiton, Dill, Adwell, Stubbs, Mims, Parker (T), Nettles, Merrill, Bank, Owens, Ellis, Wynot, Carter, Hearn, Smith (P), Boles, St. John, McBride, Timmons, Robertson, Lutz, Weeks, Boutwell, Grainger, Drake, Burgess, Callahan, Perloff, Warren, Stokes, Harris, Collins, Cherner, Waggoner, McDonald, Meeks, Wallace, Cross, Culver, Goodwin, Reynolds, Coshatt, Lang, Reed (T), Gray (F), Headley, Taylor, Carnes, Waldrop, Edwards, Chesnut and Therrell:

H. 242. To amend Section V of Act No. 399, 1969 Acts of Alabama (p. 773), entitled "An Act to provide for the regulation of surface mining

and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act so as to prescribe additional conditions that must be considered before a surface mining permit can be issued.

Also:

By Messrs. Doss, Roberts, Jones (E), Gloor, Falkenburg, Stewart, Parker (H), Robertson, Naramore, Flipppo, Crowe, Cauthen, Gafford, Manley, Lyons, Bowers, Erdreich, Hardin, Agee, McCorquodale, Bassett, Brassell, Adams, Barkett, Straiton, Dill, Adwell, Nettles, Stubbs, Mims, Parker (T), Merrill, Bank, Owens, Ellis, Wynot, Carter, Hearn, Smith (P), Boles, St. John, McBride, Timmons, Lutz, Weeks, Boutwell, Grainger, Drake, Burgess, Callahan, Perloff, Warren, Stokes, Jones (F), Harris, Collins, Cherner, Waggoner, McDonald, Meeks, Wallace, Cross, Culver, Goodwin, Reynolds, Coshatt, Lang, Reed (T), Gray (F), Headley, Taylor, Carnes, Waldrop, Edwards, Chesnut and Therrell:

H. 243. To amend Section VII of Act No. 399, 1969 Acts of Alabama (p. 773), entitled "An Act to provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this Act; and to make an appropriation from the state treasury for the purposes of this Act" so as to strengthen abatement and prevention of water pollution; and so as to prescribe procedures to be followed in the event an operator uses explosives in a surface mining operation; so as to strengthen grading requirements of affected land.

Also:

By Messrs. Doss, Roberts, Jones (E), Erdreich, Gloor, Falkenburg, Jones (F), Parker (H), Stewart, Naramore, Crowe, Cauthen, Gafford, Manley, Lyons, Bowers, Flipppo, Hardin, Agee, McCorquodale, Bassett, Brassell, Robertson, Adams, Barkett, Straiton, Dill, Nettles, Adwell, Stubbs, Mims, Parker (T), Merrill, Bank, Owens, Ellis, Wynot, Carter, Hearn, Smith (P), Boles, St. John, McBride, Timmons, Lutz, Weeks, Boutwell, Grainger, Drake, Callahan, Burgess, Perloff, Warren, Stokes, Harris, Collins, Cherner, Waggoner, McDonald, Meeks, Wallace, Cross, Culver, Goodwin, Reynolds, Coshatt, Lang, Reed (T), Gray (F), Headley, Taylor, Carnes, Waldrop, Edwards, Chesnut and Therrell:

H. 244. To amend Section VIII of Act No. 399, 1969 Acts, of Alabama (p. 773), entitled "An Act to provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this Act; and to make an appropriation from the state treasury for the purposes of this act" so as to specify additional duties of the inspectors.

Also:

By Messrs. Doss, Roberts, Jones (E), Erdreich, Gloor, Falkenburg, Stewart, Parker (H), Jones (F), Naramore, Crowe, Cauthen, Gafford, Manley, Lyons, Bowers, Flippo, Hardin, Agee, McCorquodale, Bassett, Brassell, Robertson, Adams, Lutz, Barkett, Straiton, Dill, Adwell, Stubbs, Mims, Parker (T), Merrill, Bank, Nettles, Owens, Ellis, Wynot, Carter, Hearn, Smith (P), Boles, St. John, McBride, Timmons, Taylor, Weeks, Boutwell, Grainger, Drake, Burgess, Callahan, Perloff, Warren, Stokes, Harris, Collins, Cherner, Waggoner, McDonald, Meeks, Wallace, Cross, Culver, Goodwin, Reynolds, Coshatt, Lang, Reed (T), Gray (F), Headley, Carnes, Waldrop, Edwards, Chesnut and Therrell:

H. 245. To amend Section IX of Act No. 399, 1969 Acts of Alabama (p. 773) entitled "An Act to provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act" so as to increase the penalty for failure to comply with the conditions of the performance bond.

Also:

By Messrs. Adwell and Bowers:

H. 266. To provide that any municipality of the state may authorize any policeman or other employee of such municipality to assist the policemen or other employees of any other municipality of the state in the performance of undercover work in such other municipality or its police jurisdiction for the purpose of enforcing the laws of the state or ordinances of such other municipality relating to the illegal possession, use, sale or disposition of narcotic drugs, marijuana or any other drug enumerated in Section 256 of Title 22, Code of Alabama of 1940, as amended or the illegal possession or sale of alcoholic or malt beverages when such aid is requested in writing on behalf of such other municipality by the Mayor, or other chief executive officer thereof, and to prescribe the conditions under which such undercover work may be performed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 321, 302, 271, 273, 241, 242, 243, 244, 245 and 266. To the Committee on Commerce, Transportation and Common Carriers.

H. B. 267. To the Committee on Finance and Taxation.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. McLain:

S. 222. To make a conditional appropriation of \$50,000 out of the State General Fund to the Bureau of Publicity and Information for each of the fiscal years ending September 30, 1972 and September 30, 1973.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Hammond and Weaver:

S. 223. To make further provision for the financing and construction of public bridges in the state; to authorize Alabama Highway Authority to sell and issue from time to time not exceeding \$10,000,000 principal amount of bonds in addition to those heretofore authorized to be issued by said Authority; to provide for the details of said bonds, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued under this act shall not create an obligation or debt of the state and shall be limited obligations payable solely out of the revenues of the said Authority appropriated and pledged in this act; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds and that the limitation on the amount of the bonds issued by said Authority under this act shall not apply to refunding bonds issued under this act; to provide that said bonds and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies; to provide that said bonds shall be lawful for the investment of fiduciary funds; to provide for the use of the proceeds of said bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on said bonds; to authorize the said Authority to pledge for payment of the said principal and interest the moneys appropriated and pledged in this act for that purpose; to provide that any portion of this act that may be held invalid shall not affect the validity of any other portion hereof; and to specify the effective date of this act.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Hammond:

S. 224. To require the Alabama Council on the Arts to defray expenses incurred in the maintenance and restoration of the Opera House in DeKalb County, Alabama's oldest theatre; to transfer certain funds previously appropriated to said Council for such purposes.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Givhan:

S. 225. To apply only in counties having populations of not less than 54,500 nor more than 56,000; according to the most recent federal decennial census; providing for payment of highway lighting out of the Public Highway and Traffic Fund in such counties.

Committee on Local Legislation No. 1.

By Mr. Givhan:

S. 226. To amend Section 89, Title 36, Code of Alabama 1940 as amended, relating to size and weight of vehicles and loads, so as to increase the permissible width of certain vehicles to eight feet, ten inches.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Givhan:

S. 227. To authorize, require and provide for the refund of a portion of the state sales tax paid in each county on purchases made with food stamps to such county and the incorporated municipalities therein; to provide for the distribution and prescribe the use of the proceeds of such refund; and to place certain duties on the state department of revenue.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Cooper, Clark and Horne:

S. 228. To further amend Title 52, Section 6 of the Code of Alabama 1940, as amended, in relation to the composition of the state board of education and the terms of the members thereof.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Lybrand and Harris:

S. 229. To make an additional appropriation to the Attorney General from the General Fund for expenses incurred in reapportionment litigation and other appeals in defense of the State.

Committee on Judiciary.

By Mr. Pierce:

S. 230. To amend Section 74 of Act No. 407, H. B. 198, 1971 Regular Session, approved October 1, 1971, entitled "An Act To provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes."

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Register:

S. 231. Proposing an amendment to the Constitution of Alabama to authorize the regulation of fees, commissions, percentages, allowances

and compensation of county officers of Dale County, and the regulation of costs and charges of courts in said county.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Givhan:

S. 232. Relating to counties having populations of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; providing for participation by the State Highway Department in the county engineer's salary.

Committee on Finance and Taxation.

By Messrs. Jones and Pierce:

S. 233. To amend further "The Alabama G. I. and Dependents' Educational Benefit Act," Act No. 47, Regular Session 1951 (Acts of Alabama 1951, p. 259) to provide certain educational benefits to dependents, children and wives of members of the Armed Forces listed as missing in action and listed as prisoners of war.

Committee on Commerce, Transportation
and Common Carriers.

REPORTS OF COMMITTEES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lybrand:

S. 86. To amend Section 7 of Act No. 606, S. 112, Regular Session, 1969, an Act to create the office of Supernumerary Probate Judge in the various counties of Alabama; prescribing the qualifications, term, duties, powers, authority, compensation or salary of such judge, and providing for the payment of the compensation or salary of any county Supernumerary Probate Judge.

By Messrs. Vacca, Shelby and Fine:

S. 82. To provide for the transfer of cases from the Alabama Court of Criminal Appeals and the Alabama Court of Civil Appeals to the Supreme Court of Alabama.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fine:

S. 201. To make additional appropriations to the Vocational Education Department.

By Mr. Bailes:

S. 206. To provide for the creation of the Alabama Insurance Commission to administer the laws of the State of Alabama in regard

to the Insurance Industry and to transfer the duties of the Superintendent of Insurance to the Alabama Insurance Commission and to abolish the office of Superintendent of Insurance.

By Mr. Foshee:

S. 214. To establish a code of ethics for governmental affairs in the State of Alabama for elected and appointed State officials, members of the Legislature and members of boards and commissions; to establish the Alabama Board of Ethics for State Officials and fix its powers and duties in connection with said code with respect to State officials, members of the Legislature, and members of boards and commissions, to provide prescriptive periods with respect thereto; and to provide civil and criminal penalties in connection with certain violations hereof.

By Messrs. Foshee and Register:

S. 215. To amend Code of Alabama 1940, Title 48, Section 462, so as to provide that any person convicted of unlawfully riding on trains, buses or other public conveyances may be sentenced to imprisonment in the county jail or to hard labor for the county as well as being fined.

By Mr. Register:

S. 219. To appropriate \$15,000 to the Alabama Real Estate Commission for each of the fiscal years ending September 30, 1972 and September 30, 1973.

By Mr. Hammond:

S. 221. To regulate further the salary of the Institutional Agricultural Director of the State Prison Farm System.

By Mr. McCorquodale:

H. 202. To amend further Act No. 672, S. 99 of the Regular Session of 1965 (Acts 1965, p. 1208), which is known as the Farmers Market Authority Act, said amendment relating to the annual salary of the Administrator of the Farmers Market Authority.

By Mr. Smith (P):

H. 218. To make a supplemental appropriation to the Farmers Market Authority for the fiscal years ending September 30, 1972 and September 30, 1973.

By Mr. Ellis, et al:

H. 222. To make an appropriation for each year of the ensuing biennium from the general fund in the State Treasury to be used by the State Department of Pensions and Security to match federal funds for the purpose of paying the increase in benefits to the blind pursuant to Act No. 574 of the 1963 Regular Session of the Legislature, as amended by Act No. 2429, H. 2067 of the 1971 Regular Session.

By Mr. Jones (F), et al:

H. 265. To make appropriations from the Alabama Special Education Trust Fund in the State Treasury for the use and benefit of the Alabama Industrial School, Mt. Meigs, Alabama.

By Messrs. Wilder, Branyon, Foshee, Littleton, Owen, Dozier, Jones, Gilmore, Hawkins, Vacca, Bailes, Givhan, Clark, Noonan, Register, Shelby, Horne, Weaver, Hammond, Malone, Fine, Harris, McLain,

Carr, Lybrand, Edington, King, Cook, Wilson, Pierce, O'Bannon and Cooper:

S. 212. To amend Section 347 of Title 55, Code of Alabama 1940, relating to the composition of the boxing and wrestling commission.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Register (with amendment):

S. 200. To amend further Sections 5 and 22 of Act No. 2485, S. 483, 1971 Regular Session, approved October 1, 1971, entitled "An Act To further amend Act No. 422 of the 1951 Regular Session of the Legislature of Alabama, as amended; to regulate through licensure the business, occupation, or calling of real estate brokers, and real estate salesmen; defining terms; creating the Alabama Real Estate Commission, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for obtaining a license to engage in such business, occupation, or calling, providing for the suspension or revocation of licenses issued; providing penalties for violations of this Act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws," so as to provide further for the qualification of licensees and to change the effective date of said Act to October 1, 1972.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Harris, Lindsey and Shelby:

S. 160. To provide for the registration and regulation of insurers which are members of an insurance holding company system, for examination of such insurers, and for injunctions, criminal proceedings, rehabilitation, revocation, suspension and nonrenewals in connection with such registration and regulation.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Harris, Lindsey and Shelby (with amendment):

S. 161. To enact the Alabama Insurance Holding Company System Regulatory Act relating to insurance; to provide for the regulation of insurance holding company systems; to define the term "insurance holding company system" and certain other terms; to provide for and regulate the acquisition of subsidiaries of insurers; to regulate the acquisition of control of or merger with domestic insurers; to provide for the filing of certain information with the Superintendent of Insurance; to prescribe grounds for approval of mergers and acquisitions; to provide for notice and hearing; to provide for exemptions; to provide for registration of insurers and to prescribe information to be filed; to provide for amendments to registration statements; provide for exemptions and disclaimers; to provide standards for material transactions

between insurers and their affiliates; to regulate extraordinary dividends and distributions; to provide for examination by the Superintendent of Insurance with the respect to the verification of information required to be filed; to provide confidential treatment for information filed pursuant to the provisions of the Act; to empower the Superintendent of Insurance to issue rules, regulations, and orders to carry out and administer the provisions of the Act; to authorize the Superintendent of Insurance to enjoin violations of the Act; to prohibit voting of equity securities acquired in violation of the Act; to provide for the sequestration of securities acquired contrary to the provisions of the Act; to provide criminal penalties; to provide for receivership, revocation or suspension of license for violation of the Act; to provide for judicial review; to supersede conflicting laws; to provide for separability of provisions; and to provide an effective date.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lybrand:

S. 202. To provide for the establishment of a civic center in the municipality wherein is located the county seat of any county of the State having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census (any such county being hereinafter referred to in this title as "the county" or "such county"); to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of directors; to define the powers and authority of the board of directors, including the power to construct, maintain, control, operate and manage a civic center at the county seat and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; to authorize the county and any municipality therein to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the county or the municipality, as the case may be; and to repeal all laws, whether general, special or local, inconsistent with the provisions of this Act.

By Mr. Lybrand:

S. 203. To repeal Act No. 358, H. 772, Regular Session 1953, (Acts 1953, p. 425), approved August 17, 1953, entitled, "An Act to define, regulate and license barbers and barber colleges, and other like businesses within the corporate limits and police jurisdiction of the incorporated municipalities in Calhoun County, Alabama; and to create a Barbers' Commission for said county; and to fix the powers and duties of said commission; and to prescribe penalties for violations hereof."

By Mr. Branyon:

S. 204. To amend further the title and Section 1 of Act No. 8, H. 95, Special Session 1969 (Acts 1969, p. 21), as amended, which act provides for additional meetings of the county commission and for addi-

tional compensation and expense allowances for the members of said body, including the chairman or presiding judge of certain counties classified on a population basis.

By Mr. Littleton:

S. 211. Relating to counties having populations of not less than 36,500 nor more than 39,200; establishing the office of warrant clerk in each commissioners district in such county; and to provide for their appointment, tenure and compensation.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones (with substitute):

S. 220. To authorize and make provision for the incorporation in any municipality having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any subsequent Federal Decennial Census, of Authorities as public corporations for the purpose of promoting aviation in such municipalities through the provision of airport facilities; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance airport facilities; to confer on any such Authority the power of eminent domain; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any airport facilities or other property of such Authority, without regard to the facilities or property with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust on the facilities or property out of the revenues from which such securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such pledge of revenues; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any airport facilities, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any airport facilities or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state; to exempt every such Authority from all taxes, including

license and excise taxes, levied by any county municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that certain employees of any such Authority shall be subject to and covered by any merit or civil service system applicable to the employees of the municipality by which its incorporation was authorized; and to provide for the dissolution of any such Authority and the disposition of its property.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Drake:

H. 201. To authorize and permit grocery stores to remain open on Sunday in each County in the State having a population of not less than 50,000 and not more than 52,500 inhabitants according to the last or any succeeding Federal Census, provided any such grocery store does not have on duty in such stores more than two employees at any one time on Sunday, and further provided that said grocery store does not exceed 3,500 square feet of floor space, and to provide licensing such grocery stores by the license issuing officer of such County; authorizing the State to enjoin grocery stores remaining open on Sunday contrary to this Act.

By Mr. Connell:

H. 224. Relating to all counties having a population of not less than 56,500 nor more than 59,000 according to the most recent federal decennial census, to provide for the regulation of parking on property of such counties around the county courthouse; to set a time limit for motor vehicles to be parked; to regulate parking of vehicles blocking driveways for unreasonable periods; to prohibit blocking of other vehicles lawfully parked and to prohibit parking in unauthorized places; and to authorize the sheriff and such persons as he may deputize, to enforce the provisions of this Act.

By Messrs. Hardin, Bassett and Edwards:

H. 237. To provide an allowance to the Judge of the Second Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

By Messrs. Carter and Cross (with notice and proof):

H. 240. To provide for the election of a seven member Board of Education for the City of Athens, Alabama, and to provide for the terms of said members, to provide for the repeal of all laws or parts of laws in conflict herewith, and to provide an effective date for the act.

By Messrs. King, Grainger, Hale, Hearn and Lutz:

H. 252. Proposing an amendment to the Constitution of Alabama authorizing the Legislature to provide by local law the manner in which applications for registration to vote in Madison County shall be made.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Lutz, Grainger, Hearn and King:

H. 253. Relating to Solicitor's or District Attorney's funds in judicial circuits consisting of one county and one county having not less than 175,000 nor more than 300,000 according to the most recent federal decennial census.

By Messrs. Hearn, Grainger, King and Lutz:

H. 254. To apply only in counties having a population not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; fixing and providing for a uniform and clothing allowance for deputies and members of the sheriff's force of such counties.

By Messrs. King, Hearn, Lutz and Grainger:

H. 255. To apply only to counties having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws.

By Messrs. Lutz, Grainger, King and Hearn (with notice and proof):

H. 256. To authorize and create an additional judge of the Madison County Court and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other judge of the Madison County Court, to provide for the designation of each of the two positions of the judges of the Madison County Court by number and to provide for the salary of the additional judge.

By Messrs. Flippo and Hill:

H. 257. Relating to counties having a population of not less than 65,500 nor more than 75,000 according to the 1970 or any subsequent federal decennial census; authorizing the establishment of a Local Government Study Commission; fixing the powers and duties of such commission; and providing for its membership.

By Mr. Reid (R):

H. 262. To authorize the county boards of education in all counties having populations of not less than 26,725 nor more than 27,250, according to the last or any subsequent federal decennial census, to furnish certain supplies and services, used for educational purposes, heretofore furnished by the county commission and relieving the county commissioners of the responsibility of furnishing such supplies and services.

By Messrs. Connell and Crawford:

H. 264. Relating to counties having a population of not less than 56,500 nor more than 59,000, according to the most recent federal decennial census; to authorize the county governing body to appropriate and use certain county funds and to designate and use certain county property, buildings and facilities in order to qualify for and receive federal assistance under the Federal Economic Opportunity Act of 1964.

By Mr. Grey (D):

H. 279. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants, according to the last or any subsequent federal decennial census; to provide an additional allowance for all salaried deputies of such counties.

By Messrs. St. John and Drake:

H. 280. To repeal Act No. 1267, H. 1658, approved September 17, 1971, Regular Session 1971, entitled, "An act relating to Cullman County; providing an additional expense allowance to the Judge of the Inferior Court or Intermediate Court."

By Mr. Reid (R):

H. 293. Relating to counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to authorize the county governing body to provide protection against forest fires within the county and to assess the whole or part of the cost thereof, within a prescribed limit, against forest lands within the county; and prescribing the procedure for levying and collecting such assessments.

By Mr. Mathews:

H. 309. Relating to all counties having a population of not less than 12,000 nor more than 12,800 according to the most recent federal decennial census; to provide further for the pay of the coroner.

By Messrs. Cross and Carter:

H. 310. Relating to counties having populations of not less than 27,000 nor more than 27,900, according to the most recent federal decennial census, whose roads and bridges are constructed and maintained by the State Highway Department, forbidding the judge of probate to remit certain funds to the State Highway Department.

By Mr. Goodwin:

H. 311. To increase the Director's fees of Boards operating public utility corporations in municipalities having a population of not less than 6,836, nor more than 6,907.

By Mr. Headley (with notice and proof):

H. 315. To authorize the sheriff of Chilton County to collect and retain the fees and allowances prescribed by law for feeding prisoners.

By Mr. Headley:

H. 317. Relating to counties having a population of not less than 25,150 nor more than 26,500 according to the most recent federal decennial census; to provide compensation for members of the county hospital Board.

By Mr. Snell:

H. 319. To amend further Act No. 437, H. 774, Regular Session 1969 (Acts 1969, p. 864), which Act provides for the incorporation, management, authorization, and operation of an authority to provide installations for the amusement, entertainment, recreation, and cultural development of the citizens of certain counties classified on a population basis, amending such Act in relation to the powers of the board of directors of the authority relative to the handling of funds of the authority.

By Messrs. St. John and Drake:

H. 325. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; to repeal any Act relating to such counties numbered Act No. 1267, H. 1658, approved September 17, 1971, Regular Session 1971.

By Messrs. Drake and St. John (with notice and proof):

H. 348. To provide expense allowance for the Court Reporter of the Thirty Second Judicial Circuit.

By Messrs. Drake and St. John (with notice and proof):

H. 349. Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the Probate Judge in such counties.

By Messrs. Drake and St. John (with notice and proof):

H. 350. Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the District Attorney in such counties.

By Messrs. Cross and Carter:

H. 357. To provide for the qualifications of the superintendent of education in any county having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to make the provisions of this Act retroactive to September 1, 1971.

By Messrs. Cross and Carter:

H. 358. To regulate the compensation of county superintendents of education in counties having populations of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to make the provisions of this Act retroactive to September 1, 1971.

By Messrs. Lutz, King, Grainger, Hale and Hearn:

H. 364. To repeal Act No. 1389 of the 1971 Regular Session relating to counties having a population of between 175,000 and 300,000 persons according to the last Federal Decennial Census.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parker (H), et al:

H. 213. Relating to the financing of sanitary sewers in each county having a population of 600,000 or more according to the last or any subsequent federal decennial census; to authorize any such county to sell and issue from time to time its interest-bearing warrants for the purpose of obtaining funds to finance the cost of acquiring or providing sanitary sewer facilities for the collection, transmission, treatment and disposal of sewage; to provide that such warrants shall evidence the general obligation indebtedness of any such county; to provide that such warrants may, at the discretion of the governing body of any such county, be additionally secured by a pledge or pledges of the revenues from such facilities, or the proceeds from certain taxes, or both such revenues and such taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to authorize any such county to enter into the undertakings and to assume the obligations permitted by Act No. 42 enacted at the 1971 Regular Session of the Legislature; to provide that the issuance of any warrants and the interest coupons applicable thereto or the execution of

any contract pursuant to the said Act No. 42 shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof; to exempt such warrants and contracts from the provisions of Chapters 6 and 8 of Title 12 of the Code of Alabama of 1940, as amended; and to provide for the severability of the provisions of this Act.

MOTION TO RECONSIDER

Mr. Fine moved that the Senate reconsider the vote by which the Resolution:

S. R. 56. Creating a Senate Code of Ethics.

was adopted on the Twenty-first Legislative Day and further moved that the motion to reconsider be laid on the table. The motion to table was lost.

Yeas 7; Nays 22.

Yeas:

Messrs.:	Fine	Hammond	Owen	
Dozier	Givhan	Littleton	Wilder	—7

Nays:

Messrs.:	Cooper	King	Register	
Bailes	Dominick	Lybrand	Sneiby	
Branyon	Gilmore	McLain	Vacca	
Carr	Harris	Noonan	Weaver	
Clark	Hawkins	O'Bannon	Wilson	
Cook	Jones	Pierce		—22

On motion of Mr. Bailes, further consideration of the Resolution S. R. 56, was postponed until the Twenty-ninth Legislative Day.

MOTION TO ADJOURN LOST

At 2:56 P. M., Mr. Carr moved that the Senate adjourn until Tuesday, February 1, 1972, at 2 o'clock P. M., which motion was lost.

Yeas 11; Nays 19.

Yeas:

Messrs.:	Dominick	Hawkins	Lybrand	
Bailes	Fine	Jones	O'Bannon	
Carr	Gilmore	King	Shelby	—11

Nays:

Messrs.:	Dozier	Littleton	Register	
Branyon	Foshee	McLain	Vacca	
Clark	Hammond	Noonan	Weaver	
Cook	Harris	Owen	Wilder	
Cooper	Horne	Pierce	Wilson	—19

RESOLUTION

Mr. Wilder offered the following Senate Joint Resolution, to-wit:

S. J. R. 57. BE IT RESOLVED BY THE SENATE OF ALABAMA,

THE HOUSE OF REPRESENTATIVES CONCURRING, that when the two Houses adjourn today they adjourn to meet again on Friday, January 28, 1972 and when the two Houses adjourn on Friday, they adjourn to meet again on Wednesday, February 2, 1972 and when they adjourn on Wednesday they adjourn to meet again on Thursday, February 3, 1972 and when they adjourn on Thursday they adjourn to meet again on Friday, February, 4, 1972 and when they adjourn on Friday, February 4 they adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Headley:

H. 316. Proposing an amendment to the Constitution of Alabama to authorize the regulation of fees, commissions, percentages, allowances and compensation of county officers of Chilton, Dale and Jackson Counties, and the regulation of costs and charges of courts in said counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time at length as required by the Constitution and referred to appropriate standing committee, as follows:

H. B. 316. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Parker (T) and Robertson:

H. 354. Relating to counties having a population of not less than 110,000 and not more than 150,000, authorizing the county governing body to furnish an assistant legal stenographer for the District Attorney in certain counties classified on a population basis, and further to bring any already existent legal stenographer of the District Attorney in such counties under the provisions of civil service or merit system of such counties, and to empower such officers to appear before Grand Jury sessions to record or report the testimony of witnesses therein.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 354. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hill and Flippo:

H. 281. To provide for the alternative sentencing of minors, providing for the arraignment and trial as youthful offenders, admissibility of statements, disposition of youthful offenders, and the effect of a determination as a youthful offender.

Also:

By Mr. Hill:

H. 282. Relating to the operation of vehicles in this state; amending further Code of Alabama 1940, Title 36, Sections 2 and 3, so as to provide that the driving anywhere in the state, not just on highways, of vehicles of all kinds, not just motor vehicles, by persons under the influence of any narcotics or drug or by intoxicated persons or the driving thereof recklessly shall be offenses proscribed by such sections.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 281 and 282. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 145. Relating to court houses, jails and public buildings in each county having a population of not less than 50,000 nor more than 60,000 according to the last or any subsequent federal decennial census; to authorize any such county to acquire off-street parking facilities in the vicinity of any such court house, jail or public building; to authorize any such county to sell and issue from time to time its interest-bearing warrants for the purpose of obtaining funds to finance the cost of acquiring and constructing court houses, jails and public buildings, and extensions to or improvements of existing court houses, jails or public buildings, including off-street parking facilities; to provide that such warrants shall evidence the general obligation indebtedness of any such county; to provide that such warrants may, at the discretion of the governing body of any such county, be additionally secured by a pledge or pledges of the proceeds from any tax or taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds pledged to the payment thereof; to exempt such warrants from

the provisions of Chapters 6 and 8 of Title 12 of the Code of Alabama of 1940, as amended; and to provide for the severability of the provisions of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Register, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 145, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. 145

A BILL TO BE ENTITLED AN ACT

Relating to court houses, jails and public buildings in each county having a population of not less than 55,000 nor more than 65,000 according to the last or any subsequent federal decennial census; to authorize any such county to acquire off-street parking facilities in the vicinity of any such court house, jail or public buildings; to authorize any such county to sell and issue from time to time its interest-bearing warrants for the purpose of obtaining funds to finance the cost of acquiring and constructing court houses, jails and public buildings, and extensions to or improvements of existing court houses, jails or public buildings, including off-street parking facilities; to provide that such warrants shall evidence the general obligation indebtedness of any such county; to provide that such warrants may, at the discretion of the governing body of any such county, be additionally secured by a pledge or pledges of the proceeds from any tax or taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds pledged to the payment thereof; to exempt such warrants from the provisions of Chapters 6 and 8 of Title 12 of the Code of Alabama of 1940, as amended; and to provide for the severability of the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. It is the intention of the Legislature by the passage of this Act to authorize each county in the state having a population of not less than 55,000 nor more than 65,000, according to the last or any subsequent federal decennial census (a) to acquire and construct off-street parking facilities in the vicinity of the county court house, the county jail or any county public building, and also (b) to finance the acquisition and construction of court houses, jails and public buildings and extension to or improvements of existing court houses, jails or public buildings including off-street parking facilities, by the sale and issuance of the interest-bearing warrants of such county; and (c) to authorize any such county to refund any warrants issued hereunder. This Act shall be liberally construed in conformity with such intention.

Section 2. Definitions. Wherever used in this Act, unless a different meaning clearly appears in the context, the following terms shall be given the respective interpretations specified in this section:

"County" means each county in the State having a population of not less than 55,000 nor more than 65,000 according to the last or any subsequent federal decennial census.

"Governing Body" means the county commission or other governing body of a County.

"Facilities" means and includes all real and personal property required for the acquisition or construction of court houses, jails and public buildings, including the extension and improvement of existing court houses, jails and public buildings, and off-street parking facilities in the vicinity of any such court house, jail or public building.

Section 3. Authorization of Acquisition and Construction of Off-Street Parking Facilities. Each County shall have the power from time to time to acquire by purchase, condemnation, lease or otherwise any real property in the vicinity of the court house, jail or any county public building for use as an off-street parking area and to construct thereon any ramps, decks and facilities for a multi-deck, off-street parking facility.

Section 4. Authorization of Issuance of Warrants. Each County shall have the power from time to time to sell and issue, in addition to all other securities which it may now or hereafter be authorized to issue, interest-bearing warrants of such County for the purpose of paying all or any part of the costs to such County of acquiring or constructing any Facilities. Such warrants may be in such denomination or denominations, may have such maturity or maturities not exceeding 30 years from their date, may bear interest from their date at such rate or rates, payable at such time or times, may be payable at such place or places within or without the State of Alabama, may be sold at such time or times and in such manner, whether by public or private sale, may be executed in such manner, and may contain such terms not in conflict with the provisions of this Act, all as the Governing Body of the County may provide in the proceedings in which the warrants are authorized to be issued. All such warrants shall evidence the general obligation indebtedness of the County, and the full faith and credit of the County shall be irrevocably pledged for the payment of the principal thereof and interest thereon. The proceeds derived from the sale of any such warrants shall be used solely for the purpose for which they are authorized to be issued, including the payment of any expenses incurred in connection with the issuance thereof.

Section 5. Special Pledges. The Governing Body of the County may, in its discretion, assign and specially pledge, for the payment of the principal of and interest on such warrants, so much as may be necessary for said payment of any one or more of the following (or any part thereof):

(a) The proceeds from the general annual ad valorem tax of one-half of one per cent which the County is authorized to levy without reference to the purpose thereof under the provisions of Section 215 of the Constitution of Alabama of 1901;

(b) The proceeds from the special annual ad valorem tax of one-fourth of one per cent which the County is authorized to levy for the erection, construction or maintenance of necessary public buildings, bridges or roads;

(c) The proceeds from any other tax (including any ad valorem tax and any privilege, license or excise tax) that at the time of the issuance of the said warrants may lawfully be used by the County for the payment of such principal and interest.

To the extent necessary and sufficient for making the payments in respect of which such pledge is made, any tax pledged pursuant to the provisions of this section shall constitute a trust fund or funds which shall be impressed with a lien in favor of the holders of the warrants to the payment of which such sums are pledged. In the event that more than one pledge should be made with respect to any tax the pledge of which is herein authorized, then such pledges shall take precedence in the order in which they are made unless the proceedings making such pledge shall expressly provide that such pledge shall be on a parity with or subordinate to a subsequent pledge of such tax. All warrants for which the pledge authorized in this section may be made shall constitute preferred claims against that portion of the said tax or taxes to pledged, and shall have preference over any claims incurred by the County for any purpose whatsoever.

Section 6. Authorization of Refunding Warrants. Each County may in like manner from time to time issue refunding warrants, either by sale or by exchange, for the purpose of refunding a like or greater principal amount of warrants then outstanding which were issued under the provisions of this act and the interest thereon and paying any premium necessary to be paid to retire the outstanding warrants refunded thereby. The provisions of this act applicable to the warrants so refunded shall likewise be applicable to such refunding warrants.

Section 7. Warrants to be Legal Investments for Trust Funds. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers, invest trust funds in warrants issued under the provisions of this act.

Section 8. Issuance of Warrants Deemed to Constitute Audit and Allowance of Claim. The issuance of warrants and any interest coupons applicable thereto pursuant to the provisions of this act and in accordance with the authorization of the Governing Body of the County shall be deemed to constitute an audit and allowance by the Governing Body of a claim in the aggregate principal amount of such warrants and interest coupons. No proof of registration or other audit or allowance of such claim shall be required and such warrants and interest coupons shall, from and after the date of their lawful issuance or delivery, as the case may be, be deemed to be allowed claims against the County and against any tax proceeds pledged therefor.

Section 9. Provisions Hereof Control. Insofar as the provisions of this act may be inconsistent with the provisions of any other law, the provisions of this act shall control, it being hereby specifically declared that the provisions of Chapters 6 and 8 of Title 12 of the Code of Alabama of 1940, as amended, shall not be applicable to the issuance, sale, execution, auditing or the approval or allowance for payment of the warrants or coupons issued under the provisions of this act. Such warrants and coupons shall, nevertheless, be budgeted for payment from the funds from which they are payable in the fiscal year of the County in which they mature or come due.

Section 10. Severability. If any clause or provision of this act shall be, or be declared to be, invalid any such invalidity shall not affect any other clause or provision hereof that is not in itself invalid.

Section 11. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Owen	
Bailes	Dozier	King	Register	
Branyon	Fine	Littleton	Vacca	
Carr	Foshee	Lybrand	Weaver	
Clark	Harris	Noonan	Wilder	
Cook	Hawkins	O'Bannon	Wilson	
Cooper	Horne			—25
<i>Nays:</i>				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 133. Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; repealing all laws or parts of laws inconsistent with the provisions hereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McLain, the Senate concurred in and adopted the following House amendment to the Bill, S.B. 133, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S.B. 133

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 1392, H. 2307, 1971 Regular Session, creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the Act; repealing all laws or parts of laws inconsistent with the provisions hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 1392, H. 2307, Regular Session 1971, is hereby amended to read:

"Section 3. The Personnel Board shall appoint a Personnel Director whose duty it shall be to act in the capacity of director for the personnel system. The Personnel Director may be dismissed only for just cause by the Personnel Board and said dismissal shall be effected by the filing with the said Personnel Director of written statement specifying the reasons for such dismissal. The Personnel Director shall act as secretary at board meetings, and shall be the board's executive officer, but shall not have a vote in determining the board's policy. He shall perform such duties as are assigned to him by the board. The compensation of the Director shall be fixed by the Personnel Board.

The Director shall:

- (a) Attend all meetings of the Personnel Board.
- (b) Administer all provisions of this Act and the rules established hereunder, not specifically reserved to the Personnel Board.
- (c) Under the direction of the Board, prepare rules and revisions and amendments thereof for the consideration of the Board."

Section 2. Section 4 of Act No. 1392, H. 2307, Regular Session 1971, is hereby amended to read:

"Section 4. The provisions of this Act shall apply to the following officers and employees in the service of the county:

- (a) All employees of the county tax assessor;
- (b) All employees of the county tax collector;
- (c) All employees of the county sheriff;
- (d) All employees of the Circuit Court Clerk;
- (e) All employees of the Circuit Court Register;
- (f) All employees of the County Court;
- (g) All Assistant District Attorneys and all employees of the Circuit District Attorney;
- (h) The Director of the County License Department and all employees of the Director;
- (i) Employees of the Board of Registrars' Office;
- (j) All employees of the Probate Judge's Office;
- (k) All employees of the Circuit Court, excepting and not including Circuit Court Reporters and Bailiffs;
- (l) All Probation Officers of the Circuit Court;
- (m) All other officers and employees in the service of the county except;
 - (i) Elective officers;
 - (ii) Members of appointive boards, commissions and committees;
 - (iii) All employees or appointees of the county board of education, or persons engaged in the profession of teaching or in supervising teaching in the public schools;
 - (iv) Attorneys, physicians, surgeons and dentists who with the express or implied permission of any appointing authority or of the county, hold themselves out for employment by others in the same or a like line of work as that performed by them for such appointing authority;
- (v) The Personnel Director provided for by this Act;

(vi) Persons in the "classified service" within the meaning of and subject to the State of Alabama merit system under any present or future law, and so long as any such law remains effective;

(vii) The Register of the Circuit Court.

Offices, positions and employments specifically designated above as coming within the scope of this Act, and other offices, position and employments not exempted above, shall constitute the classified service of the county. It is intended hereby to include within the classified service all offices, positions and employments now existing, or as they may hereafter exist, in whole or in part from funds of any such county, or the holders of which receive their compensation from any elected official and perform duties pertaining to the office of such elected official or officer except those hereinabove exempted in this Section. It shall be made mandatory, upon the enactment of this Bill into law, that all employees hereinbefore designated as included within the "classified service" of the county shall be so included."

Section 3. Any provisions of said Act to the contrary notwithstanding, no person shall be employed or dismissed from a position as court reporter or bailiff of any court in any such county except by the consent of the judge under whose supervision such person is to work or does work as a court reporter or bailiff.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws, general, local or special, including laws pertaining to personnel salary or salary allowances, which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	King	Register	
Carr	Givhan	Littleton	Shelby	
Clark	Hammond	McLain	Vacca	
Cook	Harris	Noonan	Weaver	
Cooper	Hawkins	O'Bannon	Wilder	
Dominick	Horne	Owen	Wilson	
Dozier	Jones			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 113. To provide for the duties and compensation for the members of the Board of Equalization in all counties having a population of not less than 300,000 nor more than 500,000 according to the last federal decennial census.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Noonan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 113, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 113

Amend Section 2 of Senate Bill 113 by changing the figure \$6,000 to the figure \$4,500 and by changing the figure \$5,500 to the figure \$3,750.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Register	
Carr	Foshee	Lybrand	Shelby	
Clark	Harris	McLain	Vacca	
Cook	Hawkins	Noonan	Weaver	
Cooper	Horne	Owen	Wilder	
Dominick	Jones	Pierce	Wilson	
Dozier	King			—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 138. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent or any subsequent federal decennial census; further providing for the procedure for redeeming lands sold for taxes in such counties; transferring certain duties of the probate judge to the tax collector; relieving the probate judge of such duties; providing additional compensation for the tax collector for performing such extra, new and additional duties; and repealing conflicting acts.

Also:

S. 153. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, to provide further for the compensation of members of boards of registrars in such counties.

Also:

S. 154. To repeal Act No. 290, H. 418, 1965 Regular Session, entitled, "An Act Relating to counties having populations of not less than 100,000 and not more than 115,000 according to the most recent federal decennial census; to provide for payment by the county of per diem allowances to members of boards of registrars in such counties."

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills

and ordered same sent forthwith to the Senate without engrossment:
By Messrs. Bassett and Hardin:

H. 381. Relating to counties having a population of not less than 13,000 nor more than 13,250 according to the most recent federal decennial census; authorizing the county commission, at its discretion, to provide an additional expense allowance of \$10.00 per meeting for each member of the board of registrars.

Also:

By Mr. Barkett:

H. 359. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grimes, in Dale County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF DALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grimes, in Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Grimes in Dale County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the lands now included, all of the following territory, to wit:

The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20, and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 4 North, Range 26 East, Dale County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA DALE COUNTY

Before me the undersigned authority in and for said County and State, personally appeared Joseph H. Adams, who, being by me first duly sworn, deposes and says that during the time herein mentioned he was publisher of The Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper for once a week for four consecutive weeks, said notice having appeared in the issue of said paper on Nov. 25, Dec. 2, 9, and 16, 1971.

JOSEPH H. ADAMS.

Sworn to and subscribed before me on this the 12th day of January, 1972.

CELESTE A. WOODS,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 381 and 359. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message From the Governor returning Senate Bill Number 71 with a suggested Executive Amendment.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 20th DAY OF JANUARY, 1972.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 71 at the request of the local delegation with the following suggested Executive Amendment:

In the caption after the word "allowance" strike out the following "for the register in equity of the circuit court and".

Also, strike Section 1 in its entirety and substitute in lieu thereof the following:

"Section 1. In any county having a population of not less than 57,000 nor more than 61,000, according to the last or any subsequent federal decennial census, where the clerk of the circuit court also serves as clerk of the juvenile court, the clerk of the juvenile court shall be entitled to receive an expense allowance of \$2,000 per annum, payable in equal monthly installments out of the general fund of the county. Such expense allowance shall be in addition to any and all other salary, compensation or allowance payable to such clerk."

The adoption of the above suggested Executive Amendment will remove my objection to this Bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 71. To provide an expense allowance for the register in equity of the circuit court and for the clerk of the juvenile court of any county having a population of not less than 57,000 nor more than 61,000, according to the last or any subsequent federal decennial census, where the clerk of the circuit court also serves as clerk of the juvenile court.

which said amendment is set out in the foregoing Message from His Excellency, the Governor.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Owen	
Bailes	Dozier	King	Shelby	
Branyon	Givhan	Littleton	Vacca	
Carr	Hammond	Lybrand	Weaver	
Clark	Harris	McLain	Wilder	
Cook	Hawkins	Noonan	Wilson	
Cooper	Horne			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 71, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Owen	
Bailes	Dozier	King	Shelby	
Branyon	Givhan	Littleton	Vacca	
Carr	Hammond	Lybrand	Weaver	
Clark	Harris	McLain	Wilder	
Cook	Hawkins	Noonan	Wilson	
Cooper	Horne			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message From the Governor concerning Senate Bill Number 35.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 19th DAY OF JANUARY, 1972.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 35 without my signature and approval for the reason that it is identical with House Bill Number 22, which I have approved.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Bailes, the Senate sustained the Governor's veto to the Bill:

S. 35. To amend Section 1 of Act No. 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 so as to increase the membership of the County Pardon and Parole Board in all counties having a population of 600,000 or more according to the last or any subsequent decennial census.

which said veto is set out in the foregoing Message from the Governor.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pierce
Bailes	Foshee	Lybrand	Register
Carr	Gilmore	McLain	Shelby
Clark	Harris	Noonan	Vacca
Cook	Hawkins	O'Bannon	Wilder
Dominick	Jones	Owen	Wilson
Dozier	King		

—25

Nays:

—0

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gloor:

H. J. R. 121. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today they adjourn to meet again on Tuesday, February 1, 1972.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 121, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Messrs. Turner, Burgess, Turnham, Easters, Stubbs, Crawford, Hobbie, Culver, Merrill, Downing, Owens, Lyons, Williams, Mathews, Fite, Jones (F), McCorquodale, Robertson:

H. 320. To provide for presidential preferential primary elections; to require all political parties which elect to hold primary elections for nomination of state, district, or federal officers to hold such presidential preferential primary elections; to provide for the conduct of such elections; to provide for the selection of candidates for such election; to provide for the selection of convention delegates by such presidential preferential primary election; to provide for the form of ballot for such primary and to prohibit certain political parties from selecting delegates to national political conventions under certain circumstances.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 320. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor with respect to appointments to the Polygraph Examiners Board.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 20TH DAY OF JANUARY, 1972.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following individuals to the Polygraph Examiners Board:

Charles C. Wimberly, Sr., Mobile, Alabama; For the term expiring January 14, 1974.

John A. Tupkelewicz, Birmingham, Alabama; For the term expiring January 14, 1974.

Jesse Herman Pitts, Montgomery, Alabama; For the term expiring January 14, 1975.

Frank B. Schottgen, Sr., Mobile, Alabama; For the term expiring January 14, 1975.

Cecil L. Johnston, Montgomery, Alabama; For the term expiring January 14, 1976.

I have also appointed the following individuals as Advisory Consultants to the Polygraph Examiners Board:

Thomas F. Parker, Attorney at Law, Montgomery, Alabama; For the term expiring January 14, 1976.

Rowland D. Hawkins, Psychiatrist, Hartselle, Alabama; For the term expiring January 14, 1976.

The above appointments are submitted for confirmation or for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Polygraph Examiners Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor relative to an appointment to the Board of Trustees of Florence State University.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 25TH DAY OF JANUARY, 1972.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following person to the Board of Trustees of Florence State University:

H. Grady Jacobs, Bridgeport, Alabama; From the 8th Congressional District succeeding Jack F. Ivy for the term expiring September 9, 1983.

The above appointment is submitted for confirmation or for such action as you may deem right and proper.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Florence State University, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. King, Grainger, Cross, Cauthen, McBride, Hearn, Lutz, Baker, Timmons, Waldrop, Doss, Jones (F), Erdreich, Crowe, Cherner, Wynot, Stewart, Manley, Weeks, Mims, Warren, May, Jackson, Falkenburg, Hale, St. John, Flippo, Ellis, Chesnut, Boutwell, Coshatt, Culver, Bank, Callahan and Slate:

H. 330. To amend Act No. 47, H. 29 of the Regular Session of 1951 (Acts of 1951, v. 1, p. 259), as amended, which is known as the Alabama G. I. and Dependents' Educational Benefit Act, so as to provide for an extension of the time for initiating a course of instruction without the payment of tuition or fees for servicemen on active duty in the United States Armed Forces and stationed outside the State of Alabama during the period of his eligibility for benefits under this Act.

Also:

By Messrs. Cauthen, Lyons, Carter, Chesnut, Reynolds, Doss, Erdreich, Falkenburg, Adwell, Baker, St. John, Casey, McCluskey, Coshatt, Easters, Waldrop, Grey (D), Gray (F), Naramore, Crowe, Roberts, Weeks, King, Perloff, McBride and Stokes:

H. 299. To create a State Commission on Salaries for the purpose of assisting the Legislature in ascertaining the salaries or compensation of constitutional state officers, justices and judges of state courts and certain state officers, offices and positions; to provide for the composition of the Commission, for the terms of office, method of appointment, allowances and expenses of Commission members; to provide a method of filling vacancies; to authorize the members to select a Chairman; to provide for a Secretary of the Commission; to fix salaries or compensation for said state officers, justices, judges, offices and positions; to direct and empower the Commission to make findings of fact pertaining to the amounts of such salary or compensation; to provide for the filing of written reports of the results and determinations of each study conducted by the Commission; to provide for the alteration or rejection by Act of Legislature of the determinations made by the Commission; to provide for the effective date of the establishment of such salaries or compensation; to provide for the filing of any reports of the Commission with certain offices; to appropriate sufficient monies to pay for the salaries or compensation of the officers, offices and positions affected by this act, and the expenses of the Commission not to exceed \$10,000.00 each fiscal year.

Also:

By Messrs. Crowe, Smith (P), Stewart and Lyons:

H. 306. To rename the State Bureau of Publicity and Information; and to transfer duties and functions now performed by the State Bureau of Publicity and Information.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 330, 299 and 306. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Dill:

H. J. R. 96. CREATING A JOINT JUVENILE JUSTICE INTERIM STUDY COMMITTEE TO EXAMINE THE ADMINISTRATION OF JUVENILE COURTS AND INSTITUTIONS IN THE STATE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Juvenile Justice Interim Study Committee to examine juvenile procedures in the State, including the function and administration of courts, corrective measures, and all institutions and authorities charged with juvenile affairs.

The committee shall consist of seven persons, four of whom shall be members of the House to be appointed by the Speaker of the House and three who shall be members of the Senate to be appointed by the Lieutenant Governor.

The expenses of this committee shall be paid out of funds appropriated to the use of the legislature, and all members shall receive the regular legislative pay and expense allowances, provided, however, that in no event shall the pay and expenses provided for under the provisions of this resolution exceed \$10,000 for each year.

BE IT FURTHER RESOLVED, That the committee shall elect one of its members as chairman and shall meet at his call, four members constituting a quorum. The first meeting shall be held within sixty days after the close of the current legislative session.

The committee shall prepare and submit a report of the facts compiled to the full House and Senate not later than the tenth legislative day of the next regular session of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 96, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 54, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives

State Capitol

Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor returning House Bill Number 54 with a suggested Executive Amendment, as suggested by the Jefferson County Delegation.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

December 16, 1971

To the House of Representatives

State Capitol

Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 54 without my approval and with the following suggested Executive Amendment made by the local delegation:

(1) Amend the title of said House Bill Number 54 by inserting between the words "Act," and "and" the following:

"and to provide for the appointment of one director of such Authority by the members of the Alabama Legislature from such county"; and, also, by striking from the title the following words: "appointed by such principal municipality".

(2) Amend Section 1 of said House Bill Number 54 by striking the word "four" where the same appears in the third sentence of the proposed amendment to Section 7 of Act No. 993 proposed by said Section 1 and inserting in lieu thereof the word "five".

(3) Amend Section 1 of said House Bill Number 54 by inserting in the amendment to Section 7 of Act No. 993 proposed by said Section 1 between the fourth and fifth sentences thereof the following:

"One such director shall be elected by a majority vote of the members of the Alabama Legislature elected from the authorizing county."

(4) Amend Section 1 of said House Bill Number 54 by inserting in the amendment to Section 7 of Act No. 993 proposed by said Section 1 after the sentence ending with the words "Certificate of Incorporation of the Authority." an additional sentence as follows:

"The initial term of office of the director elected by the members of the Alabama Legislature from the authorizing county shall

end at 12:01 o'clock A.M. on the fifth anniversary date of the filing for record of the Certificate of Incorporation of the Authority."

The adoption of the foregoing suggested Executive Amendment will remove my objection to this bill.

Respectfully,

GEORGE C. WALLACE,
Governor

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 54, by a vote of Yeas 68, Nays 0, which was a majority of the whole number elected to the House.

And said Bill:

H. 54. To amend Section 7 of Act No. 993 (H. 1089) enacted at the 1971 regular session of the Legislature of Alabama, applicable to any county having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census, so as to provide for the appointment by the governing body of the principal municipality in such county of two (2) Directors for the county transit authority provided for by said Act, and to provide for the initial terms of office of such Directors appointed by such principal municipality.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of Yeas 73, Nays 0, which was a majority of the whole number elected to the House.

And said bill together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Vacca, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H.B. 54, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas: 25 Nays 2.

Yeas:

Messrs.:	Foshee	King	Owen
Branyon	Gilmore	Littleton	Pierce
Carr	Givhan	Lybrand	Register
Clark	Hammond	McLain	Vacca
Cooper	Harris	Noonan	Wilder
Dominick	Hawkins	O'Bannon	Wilson
Fine	Jones		

—25

Nays:

Messrs.:	Bailes	Cook
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—2

which was a majority of the whole number elected to the Senate.

And said Bill, H.B. 54, as thus amended by the Executive amendment, was again read at length and passed.

Yeas: 25 Nays 2.

Yeas:

Messrs.:	Foshee	King	Owen
Branyon	Gilmore	Littleton	Pierce
Carr	Givhan	Lybrand	Register
Clark	Hammond	McLain	Vacca
Cooper	Harris	Noonan	Wilder
Dominick	Hawkins	O'Bannon	Wilson
Fine	Jones		

—25

Nays: Messrs. Bailes Cook

—2

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning Senate Bill Number 57 which is self-explanatory.

Respectfully submitted,
HARRY L. PENNINGTON,

December 20, 1971

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 57 without my signature and approval for the reason that it is identical with House Bill Number 110 which was approved on December 13, 1971, and is now Act Number 53, Acts of Alabama, Third Special Session.

Respectfully,
GEORGE C. WALLACE,
Governor of Alabama.

GOVERNOR'S MESSAGE

On motion of Mr. Dozier, the Senate sustained the Governor's veto to the Bill:

S. 57. To regulate further the excusing of persons from jury service in the Twelfth Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

which said veto is set out in the foregoing Message from the Governor.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Jones	O'Bannon
Carr	Gilmore	King	Owen
Clark	Givhan	Littleton	Pierce
Cook	Hammond	Lybrand	Register
Cooper	Harris	McLain	Shelby
Dozier	Hawkins	Noonan	Vacca
Fine	Horne		

—25

Nays:

—0

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

Pursuant to S. J. R. 2, Act 6, 1971 2nd Special Session and S. J. R. 24, Act No. 96, 1971 3rd Special Session of the Legislature of Alabama, the Speaker of the House appointed the following members to the Science, Engineering and Technology Study Commission: Messrs. Stubbs, Headley, Hardin and Easters.

JOHN W. PEMBERTON,
Clerk.

INTERIM COMMITTEE APPOINTMENTS ANNOUNCED

Pursuant to S. J. R. 2, 2nd Special Session 1971 and S. J. R. 24, 3rd Special Session 1971, the President and Presiding Officer of the Senate appointed Messrs. Owen and Pelham as additional members from the Senate to the Science, Engineering and Technology Study Commission.

ADJOURNMENT

At 3:30 P. M., on motion of Mr. Carr, the Senate adjourned until Tuesday, February 1, 1972, at 1:30 P. M.

TWENTY-THIRD LEGISLATIVE DAY

TUESDAY, FEBRUARY 1, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Barry Van-Deventer, Minister, Memorial Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Fine	Jones	Pelham
Bailes	Foshee	King	Pierce
Branyon	Gilmore	Littleton	Register
Carr	Givhan	Lybrand	Shelby
Clark	Hammond	McLain	Vacca
Cook	Harris	Malone	Weaver
Cooper	Hawkins	Noonan	Wilder
Dominick	Horne	Owen	Wilson
Dozier			

—32

JOURNAL

On motion of Mr. Pelham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Twenty-second Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Pelham, leaves of absence were granted Messrs. Lindsey, Edington and O'Bannon for today.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 138. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent or any subsequent federal decennial census; further providing for the procedure for redeeming lands sold for taxes in such counties; transferring certain duties of the probate judge to the tax collector; relieving the probate judge of such duties; providing additional compensation for the tax collector for performing such extra, new and additional duties; and repealing conflicting acts.

Also:

S. 153. Relating to counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, to provide further for the compensation of members of boards of registrars in such counties.

Also:

S. 154. To repeal Act No. 290, H. 418, 1965 Regular Session, entitled, "An Act Relating to counties having populations of not less than 100,000 and not more than 115,000 according to the most recent

federal decennial census; to provide for payment by the county of per diem allowances to members of boards of registrars in such counties."

Also:

S. 113. To provide for the duties and compensation for the members of the Board of Equalization in all counties having a population of not less than 300,000 nor more than 500,000 according to the last federal decennial census.

Also:

S. 133. To amend Act No. 1392, H. 2307, 1971 Regular Session, creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the Act; repealing all laws or parts of laws inconsistent with the provisions hereof.

Also:

S. 145. Relating to court houses, jails and public buildings in each county having a population of not less than 55,000 nor more than 65,000 according to the last or any subsequent federal decennial census; to authorize any such county to acquire off-street parking facilities in the vicinity of any such court house, jail or public building; to authorize any such county to sell and issue from time to time its interest-bearing warrants for the purpose of obtaining funds to finance the cost of acquiring and constructing court houses, jails and public buildings, and extensions to or improvements of existing court houses, jails or public buildings, including off-street parking facilities; to provide that such warrants shall evidence the general obligation indebtedness of any such county to provide that such warrants may, at the discretion of the governing body of any such county, be additionally secured by a pledge or pledges of the proceeds from any tax or taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds pledged to the payment thereof; to exempt such warrants from the provisions of Chapters 6 and 8 of Title 12 of the Code of Alabama of 1940, as amended; and to provide for the severability of the provisions of this Act.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Wilson:

S. 234. To amend Act No. 730, Acts of Alabama, Reg. Sess. 1967, approved September 8, 1967, to authorize, provide for, and regulate the reimbursement out of the state treasury of certain expenses incurred by judges of Alabama attending and participating in the National College of State Trial Judges and other colleges and conferences.

Committee on Judiciary.

By Mr. Wilson:

S. 235. To further regulate finance charges or interest for any loan or forbearance to be charged by any bank in all counties having a population of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census.

Committee on Local Legislation No. 1.

By Mr. Foshee:

S. 236. To authorize the County Boards of Education to allow any student within their county to receive religious training.

Committee on Commerce, Transportation
and Common Carriers.

By Messrs. Foshee and Littleton:

S. 237. To amend Section 514, Title 55, Code of Alabama (Act number 217, page 259, Ex. Sess., page 263, 1967) which relates to the state's competitive bid law.

Committee on Commerce, Transportation
and Common Carriers.

By Mr. Pierce:

S. 238. To make a conditional appropriation to the State Building Commission to be used for completing the construction and for furnishing and equipping of the addition to the Archives and History Building known as the East Wing thereof.

Committee on Finance and Taxation.

By Mr. McLain:

S. 239. To amend Section 13, Title 47, Code of Alabama 1940, by changing the age at which a person may convey lands from twenty-one years to eighteen years.

Committee on Judiciary.

By Mr. McLain:

S. 240. To amend Section 1, Title 61, Code of Alabama 1940, by changing the age at which a person may make a will of real estate from twenty-one years to eighteen years.

Committee on Judiciary.

By Mr. Littleton:

S. 241. Relating to counties having a population of not less than 36,500 nor more than 39,200; revising the employment grades of certain deputies in the Sheriff's office in such counties.

Committee on Local Legislation No. 1.

By Mr. Hammond:

S. 242. To provide for an expense allowance for the official court reporters of the Ninth Judicial Circuit.

Committee on Local Legislation No. 1.

BILLS RECALLED AND RE-REFERRED

On motion of Mr. Fine, unanimous consent was granted for the Bills, S. B.'s 217 and 218, to be recalled from the Standing Committee on Judiciary and re-referred to another Committee.

And the President and Presiding Officer ordered said Bills, S. B.'s 217 and 218, recalled from the Standing Committee on Judiciary and re-referred to the Standing Committee on Local Legislation No. 1.

REPORTS OF COMMITTEES

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shelby:

S. 205. Relating to counties having a population of not less than 110,000 and not more than 150,000, authorizing the county governing body to furnish an additional legal stenographer for the District Attorney in certain counties classified on a population basis.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Givhan (with amendment):

S. 225. To apply only in counties having populations of not less than 54,500 nor more than 56,000; according to the most recent federal decennial census; providing for payment of highway lighting out of the Public Highway and Traffic Fund in such counties.

Mr. Harris, Chairman of the Standing Committee on Local Legislation, No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Register:

S. 231. Proposing an amendment to the Constitution of Alabama to authorize the regulation of fees, commissions, percentages, allowances and compensation of county officers of Dale County, and the regulation of costs and charges of courts in said county.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Wood (with notice and Proof):

H. 182. To alter, extend and rearrange the boundary lines of the City of Saraland, Mobile County, Alabama, so as to include within the corporate limits of the City all territory now within such corporate limits and also certain other territory in Mobile County, Alabama, contiguous to said City.

By Messrs. Collins, Lyons and Callahan (with notice and proof):

H. 231. To alter and rearrange the boundaries between the cities of Mobile and Prichard so as to detach certain territory from the city of Mobile and annex the same to the City of Prichard.

By Mr. Barkett (with notice and proof):

H. 359. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grimes, in Dale County

By Messrs. Bassett and Hardin:

H. 381 Relating to counties having a population of not less than 13,000 nor more than 13,250 according to the most recent federal decennial census; authorizing the county commission, at its discretion, to provide an additional expense allowance of \$10.00 per meeting for each member of the board of registrars.

By Messrs. Noonan and Edington:

S. 217. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than seven nor more than sixteen Circuit Judges.

By Messrs. Noonan and Edington:

S. 218. Fixing supplemental salaries of Circuit Judges in circuits composed of one county and having not less than seven nor more than sixteen Circuit Judges.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Cherner, Parker (H), Falkenburg, Gafford, Boutwell, Gloor, Jones (E), Doss, Erdreich, Boles, Dill, Waggoner, Wallace, Weeks, Timmons, Ellis and McBride:

H. J. R. 110. CONGRATULATING JACK PALMER FOR WINNING THE NATIONAL PUNT, PASS AND KICK CONTEST.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H.J.R. 110, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Fine, the Rules were suspended and the Resolution was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Weeks, Adams, Adwell, Baker, Barkett, Bassett, Benton, Boles, Boutwell, Brassell, Callahan, Carnes, Chesnut, Connell, Cottingham, Crawford, Crowe, Dill, Doss, Downing, Drake, Easters, Edwards, Ellis, Erdreich, Falkenburg, Fite, Gafford, Gloor, Goodwin, Grainger, Gray (F), Grey (D), Hale, Hardin, Harris, Headley, Hearn, Hill, Hobbie, Jackson, Jones (E), Jones (F), King, Kinsey, Lang, Lutz, Lyons, McBride, McCluskey, McCorquodale, Manley, May, Merrill, Mims, Naramore, O'Daniel, Owens, Parker (T), Perloff, Pruitt, Reed (T), Reid (R), Reynolds, Robertson, St. John, Slate, Smith (K), Smith (P), Snell, Stokes, Straiton, Stubbs, Therrill, Turner, Turnham, Waggoner, Waldrop, Wallace, Warren, Williams, Wise and Wood:

H. J. R. 116. CONGRATULATING JOHN "BUBBER" TROTMAN FOR HIS ELECTION AS PRESIDENT OF THE AMERICAN NATIONAL CATTLEMAN'S ASSOCIATION.

Also:

By Messrs. McCluskey and Smith (P):

H. J. R. 118. CONGRATULATING MIKE BRASWELL FOR WINNING THE NATIONAL PUNT, PASS AND KICK CONTEST.

JOHN W. PEMBERTON,
Clerk

HOUSE MESSAGE

The Resolutions, H. J. R.'s 116 and 118, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again read and, on motion of Mr. Fine, the Rules were suspended and the Resolutions were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Hobbie, Harris, Straiton and Jones (F):

H. J. R. 93. MOURNING THE DEATH OF CORBIN HARDWAY, JR.

Also:

By Messrs. Hobbie, Harris Straiton and Jones (F):

H. J. R. 94. MOURNING THE DEATH OF OSCAR "POP" MCINTOSH SPENCER.

Also:

By Mr. Harris:

H. J. R. 95. MOURNING THE DEATH OF ROBERT HORTON RUTLAND, JR.

Also:

By Messrs. Adwell, Boutwell, Weeks, Meeks, Waggoner, McBride, Gafford, Ellis, Timmons, Parker (H), Doss and Wallace:

H. J. R. 97. HONORING DR. ALSTON CALLAHAN FOR SERVICES AND OUTSTANDING WORK DONE IN BIRMINGHAM, ALABAMA.

Also:

By Mr. Smith (K):

H. J. R. 101. COMMENDING TROOPER LYNN A. WRIGHT FOR WINNING THE "TROOPER OF THE YEAR" AWARD FOR 1971.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R. 93, 94, 95, 97 and 101, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again read and, on motion of Mr. Fine, the Rules were suspended and the Resolutions were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Easters:

H. J. R. 71. NAMING THE ELBA AIRPORT "THE CARL FOLSOM AIRPORT".

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 71, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Fine, the Rules were suspended and the Resolution was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Connell, Adams, Adwell, Agee, Baker, Bank, Barkett, Bassett, Benton, Boles, Boutwell, Bowers, Brassell, Burgess, Callahan, Carnes, Carter, Casey, Cauthen, Cherner, Chesnut, Collins, Coshatt, Cottingham, Crawford, Cross, Crowe, Culver, Dill, Doss, Downing, Drake, Easters, Edwards, Ellis, Erdreich, Falkenburg, Fite, Flipppo, Gafford, Gloor, Goodwin, Grainger, Gray (F), Grey (D), Hale, Hardin, Harris, Headley, Hearn, Hill, Hobbie, Jackson, Jones (E), Jones (F), King, Kinsey, Lang, Lutz, Lyons, McBride, McCluskey,

McCorquodale, McDonald, Manley, Mathews, May, Meeks, Merrill, Mims, Naramore, Nettles, O'Daniel, Owens, Parker (H), Parker (T), Perloff, Pruitt, Reed (T), Reid (R), Reynolds, Roberts, Robertson, St. John, Slate, Smith (K), Smith (P), Snell, Stewart, Stokes, Straiton, Stubbs, Taylor, Therrell, Timmons, Turner, Turnham, Waggoner, Waldrop, Wallace, Warren, Weeks, Williams, Wise, Wood and Wynot:

H. J. R. 72. MOURNING THE DEATH OF REPRESENTATIVE GEORGE ANDREWS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 72, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Fine, the Rules were suspended and the Resolution was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Therrell and Culver:

H. J. R. 122. COMMENDING LEE ROY JORDAN FOR HIS OUTSTANDING PERFORMANCE IN THE SUPER BOWL.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 122, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Fine, the Rules were suspended and the Resolution was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 80. COMMENDING THE CITY OF SUMITON, THE CITY COUNCIL, THE MAYOR AND THE CITIZENRY FOR THE DEDICATION OF THEIR NEW MUNICIPAL BUILDING.

Also:

By Mr. Crowe:

H. J. R. 81. Mourning the Death of Henry Ward McMillan.

Also:

By Mr. Crowe:

H. J. R. 82. MOURNING THE DEATH OF GEDDES SELF, SR.

Also:

By Mr. Crowe:

H. J. R. 83. MOURNING THE DEATH OF MURRAY CHESLEY ARGO, SR.

Also:

By Mr. Crowe:

H. J. R. 84. COMMENDING EDGAR ALLAN POE UPON HIS ELECTION AS PRESIDENT OF THE GRIDIRON CLUB.

Also:

By Messrs. McCluskey and Smith (P):

H. J. R. 89. MOURNING THE DEATH OF JOHN ED WALLIS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 80, 81, 82, 83, 84 and 89, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again read and, on motion of Mr. Fine, the Rules were suspended and the Resolutions were concurred in and adopted by the Senate.

RESOLUTION

Mr. Harris offered the following Senate Joint Resolution, to-wit:

S. J. R. 58. REQUESTING THE STATE HIGHWAY DIRECTOR TO STOP THE POLICY OF ISSUING PERMITS ALLOWING FOURTEEN-FOOT WIDE MOBILE HOMES TO TRAVEL ON THIS STATE'S HIGHWAYS

WHEREAS this Legislature is gravely concerned about the increasing number of permits being issued by the State Highway Department for the purpose of transporting oversized mobile homes on Alabama's highways; and

WHEREAS this concern is based on a sincere and studied belief that the presence of these fourteen-foot wide mobile homes on Alabama's highways are hazardous and are detrimental to the safety of the citizens of Alabama; and

WHEREAS no other state in the Southeast allows fourteen-foot wide mobile homes to be transported on public roads thus stopping these oversized mobile homes from being towed across this State's lines; and

WHEREAS eighty percent of Alabama's non-interstate highways are less than twenty-three feet in width and mobile homes which are fourteen feet wide have a sway movement from side to side of at least two feet which increases the road width of their structures to 16 feet; and

WHEREAS this Legislature recognizes the importance of the mobile home industry to the economy and further recognizes that this industry serves a tremendous segment of the population with an answer to their housing needs. However, everyone—including those who manufacture or buy mobile homes—has a vested interest in highway safety, and we feel that vehicles of this width pose an additional safety hazard on our highway which we cannot afford; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body requests the State Highway Director to stop the policy of issuing permits allowing fourteen-foot wide mobile homes to be transported on the highways of this State.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to The State Highway Director.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Drs. Relfe, Galbraith and Strandell to the Mental Health Board of Trustees.

The Rules Committee offered the following Motion in Writing, to-wit:

MOTION BY RULES COMMITTEE

Resolved that the executive message relative to appointments to the Mental Health Board be returned to the Governor's Office as requested.

Which was adopted, and said Message containing the above appointments was returned to the Governor.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Honorable Larry Weems, Dr. Grady Cox, Dean Arthur Weeks, Mrs. Camile Wright Cook, Dr. Ben Branscomb and Honorable Leslie Adams as members of the Air Pollution Control Commission

On motion of Mr. Clark, the appointment of Honorable Larry Weems as a member of the Air Pollution Control Commission was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Pierce
Bailes	Foshee	King	Shelby
Carr	Gilmore	Littleton	Vacca
Clark	Givhan	Lybrand	Weaver
Cook	Harris	Noonan	Wilder
Dominick	Hawkins	Pelham	Wilson
Dozier	Horne		

—25

Nays:

—0

On motion of Mr. Clark, the appointment of Dr. Grady Cox as a member of the Air Pollution Control Commission was confirmed by the Senate.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Fine	Horne	Pelham	
Bailes	Foshee	Jones	Pierce	
Carr	Gilmore	King	Shelby	
Clark	Givhan	Littleton	Vacca	
Cook	Hammond	Lybrand	Weaver	
Cooper	Harris	Noonan	Wilder	
Dominick	Hawkins	Owen	Wilson	
Dozier				—28

Nays: —0

On motion of Mr. Bailes, the appointment of Dean Arthur Weeks as a member of the Air Pollution Control Commission was confirmed by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dozier	King	Pierce	
Bailes	Fine	Littleton	Register	
Branyon	Foshee	Lybrand	Shelby	
Carr	Gilmore	McLain	Vacca	
Clark	Givhan	Noonan	Weaver	
Cook	Hawkins	Owen	Wilder	
Cooper	Horne	Pelham	Wilson	
Dominick	Jones			—29

Nays: —0

On motion of Mr. Clark, the appointment of Mrs. Camile Wright Cook as a member of the Air Pollution Control Commission was confirmed by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Pelham	
Bailes	Fine	Jones	Pierce	
Branyon	Foshee	King	Register	
Carr	Gilmore	Littleton	Shelby	
Clark	Givhan	Lybrand	Vacca	
Cook	Hammond	McLain	Wilder	
Cooper	Harris	Noonan	Wilson	
Dominick	Hawkins	Owen		—30

Nays: —0

On motion of Mr. Clark, the appointment of Dr. Ben Branscomb as a member of the Air Pollution Control Commission was confirmed by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Pelham
Bailes	Fine	King	Pierce
Branyon	Foshee	Littleton	Register
Carr	Gilmore	Lybrand	Shelby
Clark	Givhan	McLain	Vacca
Cook	Harris	Noonan	Weaver
Cooper	Hawkins	Owen	Wilder
Dominick	Horne		

—29

Nays:

—0

On motion of Mr. Clark, the appointment of Honorable Leslie Adams as a member of the Air Pollution Control Commission was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Pierce
Branyon	Fine	Jones	Register
Carr	Foshee	King	Shelby
Clark	Gilmore	Littleton	Vacca
Cook	Givhan	Lybrand	Weaver
Cooper	Hammond	Owen	Wilder
Dominick	Harris	Pelham	Wilson

—27

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable J. J. Williams to the Board of Trustees of the University of Montevallo.

On motion of Mr. Hammond, the appointment of Honorable J. J. Williams to the Board of Trustees of the University of Montevallo was confirmed by the Senate.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Fine	King	Pierce
Bailes	Gilmore	Littleton	Register
Branyon	Givhan	Lybrand	Shelby
Carr	Hammond	Malone	Vacca
Cook	Harris	Noonan	Weaver
Cooper	Hawkins	Owen	Wilder
Dominick	Jones	Pelham	Wilson
Dozier			

—28

Nays:

—0

RESOLUTIONS

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 59. **RESOLVED BY THE SENATE** That the following Bills shall be the paramount and continuing order of business for the Twenty-third Legislative Day only:

All uncontested Local Bills and all uncontested General Bills with local application as they appear on the Calendar, and

<u>Bill No.</u>	<u>Page</u>	
S. B. 214	28	Ethics
S. B. 170	21	Bill Board
S. B. 169	20	Displacement
S. B. 198	17	Mt. Meigs
H. B. 265	31	Mt. Meigs
H. B. 116	12	Trooper Bill
H. B. 167	5	Exemption over 65
H. B. 222	31	Aid to blind
S. B. 200	32	Real Estate
S. B. 219	29	Real Estate
S. B. 165	11	Inspection—Petroleum Prod.
S. B. 2	2	Hwy. Budget
S. B. 141	8	Health
S. B. 142	9	Health
S. B. 143	9	Health
S. B. 84	15	Jury Rolls
S. B. 85	15	Jury Rolls
S. B. 199	16	Consumer Protection
S. B. 150	9	Baldwin County—Barber
S. B. 139	8	Farmers Market
H. B. 172	7	Voting—absentee ballot
S. B. 156	9	County Engineers
S. B. 201	27	Technical Training Program
S. B. 76	4	Planning & Development Com.
S. B. 43	3	Board of Education

On motion of Mr. Clark, said Resolution was adopted by the Senate.

Mr. Pelham offered the following Senate Joint Resolution, to-wit:

S. J. R. 60. **BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING**, That when the two Houses adjourn today, February 1, 1972, they adjourn to meet again on Wednesday, February 2, 1972 and when they adjourn on Wednesday, they adjourn to meet again on Thursday, February 3, 1972, and when they adjourn on Thursday, they adjourn to meet again on Friday, February 4, 1972, and when they adjourn on Friday, February 4, 1972, they adjourn sine die.

On motion of Mr. Pelham, the Rules were suspended and the Resolution was adopted by the Senate.

**SPECIAL ORDER
BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first item of which was the Bill:

S. 162. To apply only in counties having a population of not less than 75,000 nor more than 90,000; to revise the requirements and salary of the Judge of any county court of general jurisdiction in such counties.

And said Bill, S. B. 162, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Bailes	Foshee	Littleton	Pelham	
Branyon	Gilmore	Lybrand	Pierce	
Carr	Givhan	McLain	Register	
Clark	Harris	Malone	Shelby	
Cook	Horne	Noonan	Vacca	
Cooper	Jones			—25

Nays: —0

The Bill:

S. 151. To provide that in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census, it shall be unlawful for any person to file for record certain legal documents that do not have legibly printed, typewritten or stamped thereon the name and address of the person or persons who prepared such legal documents, and to provide that it shall be a misdemeanor for anyone to falsify said statement; and

To further provide that in all such counties, the judge of probate shall not be liable in damages or penalty for any error or mistake in the performance of the duties prescribed by this act if committed in good faith.

was again taken up.

On motion of Mr. Shelby, the Senate reconsidered the vote by which the Bill, S. B. 151, was ordered to its third reading on the Seventeenth Legislative Day.

Mr. Shelby offered the following substitute for the Bill, S. B. 151, to-wit;

**A BILL
TO BE ENTITLED
AN ACT**

To provide that in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding Federal decennial census, it shall be unlawful for any person to file for record certain legal documents that do not have legibly

printed, typewritten or stamped thereon the name and address of the person or persons who prepared such legal documents, and to provide that it shall be a misdemeanor for anyone to falsify said statement; and

To further provide that in all such counties, the judge of probate shall not be liable in damages or penalty for any error or mistake in the performance of the duties prescribed by this act if committed in good faith.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding Federal decennial census, no probate judge shall receive for record or permit the recording of any instrument in which the title to real property, or any interest therein, or lien thereon, is conveyed, granted, encumbered, assigned, or otherwise disposed of, or any instrument relating to the organization, reorganization or dissolution of a private corporation, unless such an instrument has endorsed on it a printed, typewritten or stamped statement showing the name and address of the individual who prepared the instrument. If the instrument is in part composed of a printed form, the person preparing the instrument shall be the person who filled in the blanks in the form or examined the entries made in such blanks by some other person.

Section 2. The probate judge shall not be liable in damages or penalty for any error or mistake in the performance of the duties prescribed by this Act if committed in good faith.

Section 3. Any person who falsifies or is a party to the falsification of such a statement as described in Section 1 hereof shall be guilty of a misdemeanor.

Section 4. Section 1 of this Act shall not apply to any will, decree, court order or judgment; to any instrument executed or acknowledged prior to the effective date hereof; nor to any instrument executed or acknowledged outside of the county or counties to which this Act applies.

Section 5. An instrument will be in compliance with this Act if it contains a statement in the following form: "This instrument was prepared by (Name) (Address)"

Section 6. If any provision or part of this Act is held invalid, it shall not affect the validity of the remaining parts of this Act.

Section 7. This Act shall become effective sixty days after its passage by the Legislature and its approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	Littleton	Pelham
Carr	Hammond	Lybrand	Pierce
Clark	Harris	McLain	Shelby
Cook	Hawkins	Malone	Weaver
Cooper	Horne	Noonan	Wilder
Dominick	Jones	Owen	Wilson
Dozier	King		

—25

Nays:

—0

And said Bill, S. B. 151, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	Littleton	Pelham
Carr	Hammond	Lybrand	Pierce
Clark	Harris	McLain	Shelby
Cook	Hawkins	Malone	Weaver
Cooper	Horne	Noonan	Wilder
Dominick	Jones	Owen	Wilson
Dozier	King		

—25

Nays:

—0

The Bill:

S. 152. To provide for the additional indexing of land transfer instruments in probate offices in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding census.

was again taken up.

On motion of Mr. Shelby, the Senate reconsidered the vote by which the Bill, S. B. 152, was ordered to its third reading on the Seventeenth Legislative Day.

Mr. Shelby then offered the following substitute for the Bill, S. B. 152, to-wit:

SUBSTITUTE FOR S. B. 152

A BILL

TO BE ENTITLED

AN ACT

To provide for the additional indexing of land transfer instruments in probate offices in all counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the last or any succeeding Federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act, the following definitions shall apply:

(a) A "land transfer instrument" shall be any instrument in writing purporting to create, transfer, release, surrender or encumber, any interest in land, legal or equitable, or to give notice of any claim against land, or to limit the right to use, transfer or encumber said land; except the following:

a will; and a plat; and a notice of any assessment for ad valorem taxes or for public improvements made by the State of Alabama, by any county or municipality or other instrumentality of the State of Alabama, or by any instrumentality of any county or municipality; and a notice of any judgment, tax assessment or other proceeding creating a general lien against all the land of a named person; and a record of the administration of any testate or intestate estate; and a record of any judicial proceeding; and an affidavit; and a zoning

ordinance; and a complete or partial satisfaction, released or assignment of a mortgage or lien.

(b) A "source of title" shall consist of one of the following:

a recorded instrument or instruments by which a person executing a land transfer instrument has acquired the title or other interest purportedly created or transferred; or a recorded instrument or instruments, other than a power of attorney, by which a person executing a land transfer instrument acquired the right to execute such instrument; or a recorded Possession Page, Estate Page or Judicial Decree Page as hereinafter defined.

(c) A "Possession Page" shall consist of a sheet of paper of the same size and quality as other sheets contained in the deed books. Such a page shall be inserted in the deed books by the judge of probate at the request of a person presenting for record a land transfer instrument executed by a person who acquired, exclusively by adverse possession or prescription without any reliance upon any recorded source of title, the interest purported to be transferred. The page shall be designated at the head, "Possession Page." The heading shall be followed by the name of the person claiming by adverse possession or prescription. It shall thereafter contain a description of the land claimed and a brief statement as to the extent of the claim. The Possession Page shall be indexed in the reverse name index to deeds as though the claimant were the grantee. It shall not be indexed in the direct name index to deeds.

(d) An "Estate Page" shall consist of a sheet of paper of the same size and quality as other sheets contained in the deed books. Such a page shall be inserted in the deed books by the judge of probate at the request of a person presenting for recording a land transfer instrument executed by a person who claims by testate or intestate succession to the interest purported to be conveyed. The page shall be designated at the head, "Estate Page". The heading shall be followed by the name of the decedent. The Estate Page shall also show the county in which the estate was probated and the file number of the proceeding. If the estate has not been probated, the Estate Page shall contain the notation "Estate Not Probated," in lieu of the entry provided for in the preceding sentence. The Estate Page shall be indexed in the direct name index of deeds as though the deceased were the grantor. It shall not be indexed in the reverse name index to deeds. Only one Estate Page shall be created for any estate. Where the estate is being probated or has been probated in the same county where the land affected by the land transfer instrument lies the judge of probate shall note in the margin adjacent to the name of the estate at the entry showing the initial application for probate in the index of probated estates that an Estate Page has been created for the estate and is recorded in an indicated deed book at an indicated page. Where an estate has not been probated, or has been probated in another county, the probate judge shall enter in the index of probated estates the name of the deceased, followed by the entry, "Probated in _____ County" (naming the county), or "Unprobated Estate," as the case may be. He shall then note in the margin adjacent to the name of the estate in the index that an Estate Page has been created and is recorded in an indicated deed book at an indicated page.

(e) A "Judicial Decree Page" shall consist of a sheet of paper of the same size and quality as other sheets contained in the deed books. Such a page shall be inserted in the deed books by the judge of probate at the request of a person presenting for recording a land transfer instrument executed by a person who claims by virtue of a judicial decree, other than a proceeding to probate a testate or intestate

estate. The page shall be designated at the head, "Judicial Decree Page." The heading shall be followed by the style of the action to which it pertains, followed by the file number of the action, the office in which the record is lodged, and the book and page in which the final decree has been recorded. The Judicial Decree Page shall be indexed in the direct and indirect name index to deeds as though all the parties were both grantors and grantees. Only one judicial decree page shall be created for any one action or proceeding. When such a page has been established the judge of probate shall note in the margin of the lis pendens filed to give notice of the action or proceeding the fact that a judicial decree page has been created and is recorded in an indicated book at an indicated page. A lis pendens may be filed at any time, either before or after a final decree or judgment. The recording of a final judgment or decree ordering the execution of a land transfer instrument, or itself constituting a land transfer instrument shall not be notice of its contents until such a lis pendens has been filed. For the purpose of this act, a recorded judgment or decree adjudicating the rights in land, or any interest therein, of a husband and wife, or of a man and a woman who have been man and wife, shall not be notice of such judgment or decree until a lis pendens has been filed showing a claim against the land or interest therein affected by the judgment or decree.

(f) A "first endorsement" is the endorsement required by Section 2 of this Act, to be placed at the head of any land transferred instrument and indicating how the instrument shall be indexed on the source of title.

(g) A "second endorsement" shall consist of that part of the first endorsement to be recorded in the claims list in the margin of the record of a source of title. It shall contain a description of the instrument to be listed in the claims list, the location of such instrument, and, where required, a description of the land, as more fully set out in Section 2 of this Act.

(h) A "claims list" shall be a list, in the margin of the record of any source of title, containing all second endorsements, as herein defined, indexing claims against the source of title. If the margin of the record of the source of title shall be insufficient to contain any or all of the second endorsements, an additional sheet or sheets of paper may be attached to the record of the source of title by means of metal grommets. Any such attached sheet or sheets shall be deemed a part of the margin of the original record.

Section 2. After the effective date of this Act no probate judge in any county having a population of not less than 115,000 nor more than 150,000 inhabitants, according to the last or any succeeding Federal decennial census, shall accept for recording any land transfer instrument executed subsequent to the effective date of this Act which does not have a proper endorsement, as hereinafter provided, above the commencement, salutation and body of the instrument; except that where the space above the commencement, salutation and body of the instrument shall be insufficient to permit the endorsement, the endorsement may be made at any conspicuous place on the first page of the instrument. The endorsement shall be in substantially the following language: "Endorse in claims list on the source of sources of title, recorded in _____ (giving kind of book, number of book and page therein where the source of title is found) the following: '_____' (giving a brief description of the land transfer instrument upon which the first endorsement appears, such as deed, mortgage, lease, contract and so forth) recorded in _____ book number _____ at page _____." Where the land transfer instrument affects less than all of the land described

in the source or sources of title, the endorsement set out above shall be followed by the index location of the land affected. The index location shall show the township, range, section and quarter-quarter section in which the land affected lies, or in lieu thereof, a reference to a plat recorded in the office of the Probate Judge of said counties to which this Act shall be applicable. The probate judge may, in his discretion, permit abbreviations to be used in this endorsement, so long as such abbreviations are consistent and intelligible. The probate judge and his deputies are forbidden to make the first endorsement on the land transfer instrument or to fill in the entries showing the source of title; except that where two instruments are filed, the first constituting both a claim against a pre-existing source of title and a source of title against which the second instrument is evidence of a claim, and at the time of the filing of the second instrument the first instrument has not been assigned a book and page number, the source of title entries in the endorsement on the second instrument shall be filled in the probate judge or his deputy after the first instrument has been assigned a book and page number. Provided, further, that where the source of title is a Possession, Estate or Judicial Decree page not yet created, the source of title entries in the first endorsement shall be filled in by the probate judge or his deputy after such page has been created. The probate judge or his deputy shall, as soon as the instrument to be recorded has been assigned a book and page number, complete the entries to be used in the second endorsement by inserting therein the description of the instrument to be entered in the claims list and the book and page number where it is recorded. As soon as the first endorsement is completed, the second endorsement, consisting of the description of the instrument to be recorded, the location where it is recorded, and, when required, the location of the land (or, in lieu thereof, a reference to a plat), shall be copied in the claims list in the margin of the record of the source of title. Neither the probate judge nor his deputies shall be liable for errors in making such entries, except in cases of fraud or intentional error.

If the person requesting recording claims under more than one source of title, all such sources shall be listed in the first endorsement and the second endorsement shall be entered in the claims list in the margin of the record of each such source of title.

If the person requesting recording acquired his interest by an unrecorded instrument which the person seeking recording does not have immediately available for recording, such fact shall be set forth in the first endorsement, together with a recitation of the chain of title back to the last recorded source of title. The second endorsement shall be entered in the margin of the record of the last recorded source of title. Where the source of title is a testate or intestate estate and the testator or intestate acquired his interest through another testate or intestate estate, the first endorsement shall recite the chain of title back to the last land transfer instrument recorded in the deed books. An Estate Page shall be established for each estate in the chain of title for which an Estate Page has not previously been established and the second endorsement shall be entered in the claims list on each such Estate Page in the margin of the last land transfer instrument recorded in the deed books.

When the only source of title is adverse possession or prescription, the first endorsement shall recite such adverse possession or prescription. A possession page shall be established and the second endorsement shall be entered in the claims list on such possession page.

When the source of title is a judicial decree, other than that contained in a proceeding to probate a testate or intestate estate, the first endorsement shall recite such fact and the book and page num-

ber where the judicial decree page is recorded. A judicial decree page shall be established, if such a page has not already been recorded, and the second endorsement shall be entered in the claims list on the judicial decree page.

Section 3. The satisfaction or assignment of any mortgage or other lien may be endorsed on the face of the record of the mortgage or lien or may be recorded in the Miscellaneous Books maintained in the office of the judge of probate. Where any such satisfaction or assignment is recorded in the Miscellaneous Books, a notation shall be made in the margin of the record of the mortgage or lien stating that the satisfaction or assignment will be found in a designated Miscellaneous Book at a designated page. Where the release or assignment affects only a part of the land subject to the mortgage or lien the notation shall show the part thus affected, in terms of range, township, section, quarter section, and quarter-quarter section, or, if the land has been platted and divided into lots, in terms of the name of the subdivision, if there be any, the book and page where the plat is recorded, and the lot and block number.

Section 4. No land transfer instrument shall constitute notice of its contents, within the terms of Section 102, of Title 47 of the Alabama Code of 1940, until a second endorsement, as provided for in Sections 1 and 2 of this Act, shall have been made in the margin of the grantor's source of title.

Section 5. Nothing contained in this Act shall repeal any existing statute providing for recording and indexing of instruments creating or transferring any interest in land, except insofar as Section 4 of this Act shall modify or amend Section 98 of Title 47 of the Alabama Code of 1940.

Section 6. For indexing any instrument in compliance with the provisions of this Act the probate judge shall, in addition to all other fees heretofore provided by law, be entitled to receive a fee of one dollar.

Section 7. This Act shall become effective sixty days after its passage by the Legislature and its approval by the Governor, or upon its otherwise becoming law.

Section 8. If for any reason, any section, paragraph, provision, clause or other part of this Act shall be held to be unconstitutional or invalid, the fact shall not invalidate any other section, paragraph, provision, clause or other part of this Act in and of itself constitutional and valid, and the remaining parts thereof shall be in force without regard to that so held unconstitutional or invalid; provided, further, that if any section, paragraph, provision, clause or other part shall be held invalid or unconstitutional or invalid when applied to a given set of facts, such action shall not invalidate such section, paragraph, clause or other part when applied to another and different set of facts.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Littleton	Pelham
Bailes	Dozier	Lybrand	Pierce
Branyon	Fine	McLain	Shelby
Carr	Givhan	Malone	Weaver
Clark	Hammond	Noonan	Wilder
Cook	Harris	Owen	Wilson
Cooper	King		

—25

Nays:

—0

And said Bill, S. B. 152, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Littleton	Pelham	
Bailes	Dozier	Lybrand	Pierce	
Branyon	Fine	McLain	Shelby	
Carr	Givhan	Malone	Weaver	
Clark	Hammond	Noonan	Wilder	
Cook	Harris	Owen	Wilson	
Cooper	King			—25

Nays:

—0

The Bill:

S. 171. Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Foshee	Lybrand	Pierce	
Carr	Gilmore	McLain	Vacca	
Cook	Givhan	Malone	Weaver	
Cooper	Horne	Noonan	Wilder	
Dominick	Jones	Owen	Wilson	
Dozier	King			—25

Nays:

—0

The Bill:

S. 172. To amend Section 1 of Act No. 1002, Regular Session, 1971, of the Alabama Legislature, an act relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census, authorizing the constable serving the county court to appoint a deputy constable, and providing for the term, duties and compensation of such deputy constable.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Owen	
Bailes	Dozier	Jones	Pelham	
Branyon	Fine	King	Pierce	
Carr	Foshee	Littleton	Register	
Clark	Gilmore	Lybrand	Shelby	
Cook	Givhan	Malone	Vacca	
Cooper	Hammond			—25

Nays:

—0

The Bill:

S. 173. Relating to counties having a population of not less than 13,000 nor more than 13,250 according to the most recent federal decennial census; to provide further for the compensation of the Board of Registrars.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	King	Owen	
Bailes	Givhan	Littleton	Shelby	
Branyon	Hammond	Lybrand	Vacca	
Carr	Harris	McLain	Weaver	
Clark	Hawkins	Malone	Wilder	
Cook	Horne	Noonan	Wilson	
Cooper	Jones			—25

Nays: —0

The Bill:

S. 174. Relating to counties having a population of not less than 21,924, nor more than 22,960, according to the most recent Federal Decennial Census; providing expense allowances for the members of the County Commission of said counties.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	King	Owen	
Bailes	Fine	Littleton	Pelham	
Branyon	Foshee	Lybrand	Pierce	
Carr	Gilmore	McLain	Register	
Clark	Givhan	Malone	Shelby	
Cook	Hammond	Noonan	Wilson	
Cooper	Harris			—25

Nays: —0

The Bill:

S. 177. To authorize and create an additional judge of the Madison County Court and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other judge of the Madison County Court, to provide for the designation of each of the two positions of the judges of the Madison County Court by number and to provide for the salary of the additional judge.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Owen
Bailes	Dozier	Jones	Pelham
Branyon	Gilmore	King	Pierce
Carr	Givhan	Littleton	Register
Clark	Hammond	McLain	Shelby
Cook	Harris	Noonan	Vacca
Cooper	Hawkins		

—25

Nays:

—0

The Bill:

S. 178. Relating to Solicitor's or District Attorney's Funds in judicial circuits consisting of one county and one county having less than 175,000 nor more than 300,000 according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Owen
Bailes	Dozier	Jones	Pelham
Branyon	Fine	King	Pierce
Carr	Foshee	Littleton	Weaver
Clark	Hammond	McLain	Wilder
Cook	Harris	Noonan	Wilson
Cooper	Hawkins		

—25

Nays:

—0

The Bill:

H. 197. Relating to counties having a population of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; permitting the county governing body to employ an additional deputy sheriff.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	King	Owen
Clark	Givhan	Littleton	Shelby
Cook	Hammond	Lybrand	Vacca
Cooper	Harris	McLain	Weaver
Dominick	Hawkins	Malone	Wilder
Dozier	Horne	Noonan	Wilson
Fine	Jones		

—25

Nays:

—0

The Bill:

H. 210. To amend Sections 1 and 2 of Act No. 175, H. 460, Regular Session 1965, (Acts 1965, p. 246), which provides for an increase in the compensation of the coroner and deputy coroner of certain counties classified on a population basis.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Jones	Pelham
Bailes	Gilmore	King	Pierce
Branyon	Givhan	Lybrand	Register
Carr	Hammond	Malone	Weaver
Dominick	Harris	Noonan	Wilder
Dozier	Hawkins	Owen	Wilson
Fine	Horne		

—25

Nays:

—0

The Bill:

H. 211. To amend Act No. 583, H. 1479, Regular Session 1971, entitled "An Act To provide for an expense allowance for the Tax Assessor, Tax Collector, Probate Judge, Circuit Court Clerk, Chairman of the County Commission, Judge of County Court and Register in Equity, Judge of Juvenile Court, Commissioner of Licenses, and Associate Commissioners in all counties having populations not less than 95,000 nor more than 115,000 according to the most recent federal decennial census," amending the title and Section 2 of such Act so as to delete from the enumeration of the officers entitled to the expense allowance thereby provided the judge of the county court and to provide for the payment of travel expenses outside the county on county business in addition to the prescribed expenses allowances.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Hawkins	Owen
Branyon	Fine	Horne	Pelham
Carr	Foshee	Jones	Pierce
Clark	Gilmore	Lybrand	Register
Cook	Givhan	Malone	Shelby
Cooper	Hammond	Noonan	Vacca
Dominick	Harris		

—25

Nays:

—0

The Bill:

H. 221. To amend Sections 2, 3, 4 and 9 of Act No. 56, H. 377, Regular Session 1971, which Act created an inferior court for Lawrence County, by revising the jurisdiction, costs, and certain procedures of said court; and by revising the qualifications of the judge, the method of his appointment and his salary.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Bailes	Gilmore	Littleton	Shelby
Clark	Givhan	Lybrand	Vacca
Cook	Hammond	McLain	Weaver
Cooper	Harris	Malone	Wilder
Dominick	Horne	Noonan	Wilson
Dozier	Jones		

—25

Nays:

—0

The Bill:

H. 220. Relating to Lamar County, providing further for the election of the members of the governing body of said county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Littleton	Register	
Branyon	Givhan	Lybrand	Shelby	
Clark	Hammond	McLain	Vacca	
Cook	Harris	Malone	Weaver	
Cooper	Hawkins	Noonan	Wilder	
Dominick	Horne	Owen	Wilson	
Dozier	Jones			—25

Nays: —0

The Bill:

H. 195. Relating to counties having a population of not less than 26,725 nor more than 27,250, according to the most recent federal decennial census, to authorize the county commission of such counties to appropriate an amount not to exceed \$5,200 out of the general fund for the relief of Walter L. Nelson.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Bailes	Foshee	Littleton	Pelham	
Carr	Gilmore	Lybrand	Pierce	
Cook	Givhan	McLain	Register	
Cooper	Hammond	Malone	Shelby	
Dominick	Horne	Noonan	Vacca	
Dozier	Jones			—25

Nays: —0

The Bill:

H. 217. To alter and re-arrange the boundary lines of the town of Ragland, Alabama so as to include within the corporate limits of said town, all territory now within such corporate limits and all certain other territory in St. Clair County, contiguous to said town.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Bailes	Givhan	Littleton	Pelham	
Carr	Hammond	Lybrand	Vacca	
Cook	Harris	McLain	Weaver	
Cooper	Hawkins	Malone	Wilder	
Dominick	Horne	Noonan	Wilson	
Dozier	Jones			—25

Nays: —0

The Bill:

H. 229. To amend Act No. 1734, H. 2563, Regular Session 1971, approved September 17, 1971, which provides for juries composed of six members for trial of certain cases in the DeKalb County Court, so as to provide further for the minimum number of jurors on the list from which the six-man jury is to be struck.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Bailes	Foshee	Littleton	Pelham	
Branyon	Gilmore	Lybrand	Pierce	
Carr	Hammond	McLain	Register	
Clark	Hawkins	Malone	Wilder	
Cook	Horne	Noonan	Wilson	
Cooper	Jones			—25

Nays: —0

The Bill:

H. 215. Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provision of the act; repealing all laws or parts of laws inconsistent with the provisions hereof.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Owen	
Bailes	Dozier	Hawkins	Pelham	
Branyon	Fine	King	Pierce	
Carr	Foshee	Littleton	Register	
Clark	Gilmore	McLain	Shelby	
Cook	Givhan	Noonan	Vacca	
Cooper	Hammond			—25

Nays: —0

The Bill:

H. 189. To provide additional compensation for members of the Board of Registrars in all counties of this state having a population of 500,000 or more according to the most recent or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pelham
Bailes	Gilmore	Lybrand	Pierce
Carr	Hammond	McLain	Register
Clark	Harris	Malone	Vacca
Cook	Hawkins	Noonan	Wilder
Dominick	Jones	Owen	Wilson
Fine	King		

—25

Nays:

—0

The Bill:

S. 202. To provide for the establishment of a civic center in the municipality wherein is located the county seat of any county of the State having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census (and such county being hereinafter referred to in this title as "the county" or "such county"); to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of director; to define the powers and authority of the board of directors, including the power to construct, maintain, control, operate and manage a civic center at the county seat and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; to authorize the county and any municipality therein to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the county or the municipality, as the case may be; and to repeal all laws, whether general, special or local, inconsistent with the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Horne	Owen
Carr	Foshee	Jones	Pelham
Clark	Gilmore	King	Pierce
Cook	Givhan	Lybrand	Register
Cooper	Hammond	Malone	Shelby
Dominick	Harris	Noonan	Vacca
Dozier	Hawkins		

—25

Nays:

—0

The Bill:

S. 203. To repeal Act No. 358, H. 772, Regular Session 1953, (Acts 1953, p. 425), approved August 17, 1953, entitled, "An Act to define, regulate and license barbers and barber colleges, and other like businesses within the corporate limits and police jurisdiction of the incor-

porated municipalities in Calhoun County, Alabama; and to create a Barbers' Commission for said county; and to fix the powers and duties of said commission; and to prescribe penalties for violations hereof."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Lybrand	Register	
Bailes	Gilmore	Malone	Shelby	
Branyon	Harris	Noonan	Vacca	
Carr	Hawkins	Owen	Weaver	
Clark	Horne	Pelham	Wilder	
Cook	Jones	Pierce	Wilson	
Fine	King			—25

Nays: —0

The Bill:

S. 204. To amend further the title and Section 1 of Act No. 8, H. 95, Special Session 1969 (Acts 1969, p. 21), as amended, which act provides for additional meetings of the county commission and for additional compensation and expense allowances for the members of said body, including the chairman or presiding judge of certain counties classified on a population basis.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pelham	
Branyon	Givhan	Littleton	Pierce	
Clark	Hammond	Lybrand	Vacca	
Cook	Harris	McLain	Weaver	
Cooper	Hawkins	Malone	Wilder	
Dominick	Horne	Noonan	Wilson	
Dozier	Jones			—25

Nays: —0

The Bill:

S. 211. Relating to counties having populations of not less than 36,500 nor more than 39,200; establishing the office of warrant clerk in each commissioners district in such county; and to provide for their appointment, tenure and compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Register	
Carr	Foshee	Littleton	Shelby	
Clark	Gilmore	McLain	Vacca	
Cook	Givhan	Malone	Weaver	
Cooper	Hammond	Noonan	Wilder	
Dominick	Harris	Pierce	Wilson	
Dozier	Hawkins			—25

Nays: —0

The Bill:

S. 220. To authorize and make provision for the incorporation in any municipality having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any subsequent Federal Decennial Census, of Authorities as public corporations for the purpose of promoting aviation in such municipalities through the provision of airport facilities; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance airport facilities; to confer on any such Authority the power of eminent domain; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any airport facilities or other property of such Authority, without regard to the facilities or property with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust on the facilities or property out of the revenues from which such securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such pledge of revenues; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any airport facilities, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any airport facilities or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state; to exempt every such Authority from all taxes, including license and excise taxes, levied by any county municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that certain employees of any such Authority shall be subject to and covered by any merit or civil service system applicable to the employees of the municipality by which its incorporation was authorized; and to provide for the dissolution of any such Authority and the disposition of its property.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 220, to-wit:

SUBSTITUTE FOR S. B. 220

A BILL
TO BE ENTITLED
AN ACT

To authorize and make provision for the incorporation in any municipality having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any subsequent Federal Decennial Census, of Authorities as public corporations for the purpose of promoting aviation in the counties in which such municipalities are located through the provision of airport facilities; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance airport facilities; to confer on any such Authority the power of eminent domain; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any airport facilities or other property of such Authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such securities, and by a nonforeclosable mortgage and deed of trust on the facilities or property out of the revenues from which such securities are payable; to provide for constructive notice of any such pledge of revenues; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any airport facilities, or parts thereof, acquired by such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and co-operate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any airport facilities or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party, from all taxation in the state; to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from certain tort liability and from certain zoning regulations; to provide that certain employees of any such Authority shall be subject to and covered by any merit or civil service system applicable to the employees of the municipality by which its incorporation was authorized; and to provide for the dissolution of any such Authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Purpose and Legislative Findings. The Legislature has found and determined and does hereby declare that in

municipalities having a population of not less than 70,000 nor more than 135,000 inhabitants and in the counties in which such municipalities are located the following conditions exist: (a) that the constant growth of air traffic in such municipalities and in the counties in which they are located is placing excessive burdens upon existing air transportation facilities; (b) that the continued economic growth of such municipalities and the general health and welfare of the citizens of such municipalities require the availability of adequate air transportation facilities; and (c) that it is necessary and desirable and in the best interests of the citizens of such municipalities that provisions be made for the establishment in such municipalities of public corporations to provide such facilities. The legislature does hereby further declare its intention, by the passage of this Act, to promote safe and adequate air transportation facilities in such municipalities and in the counties in which they are located through the authorization of public corporations, as agencies of the State of Alabama, with the powers conferred by this Act.

Section 2. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Air navigation facility" means any facility used in, available for use in, or designed for use in aid of, air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience to, the safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

"Air transportation facility" means any air navigation facility, airport, airport building, airport facility, or heliport, or any combination of any thereof.

"Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for use primarily as safety equipment.

"Airport" means any area of land or water which is used, or intended for use, for the landing, taking-off, storage, parking or dispersal of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings, facilities or rights-of-way, together with all airport buildings, structures or facilities located thereon.

"Airport building" means any building used or to be used in connection with the construction, enlargement, development, maintenance or operation of an airport or heliport or in connection with the exercise of any power of the Authority.

"Airport facility" means any building, structure, land, right-of-way, equipment or instrumentality used or to be used in connection with the construction, enlargement, development, maintenance or operation of an airport or heliport or in connection with the exercise of any power of the Authority.

"Applicant" means a natural person who files a written application with the governing body of any municipality to which this Act applies in accordance with the provisions of Section 3 hereof.

"Authority" means a public corporation organized pursuant to the provisions of this Act.

"Authorizing municipality" means any municipality the governing body of which shall have adopted an authorizing resolution.

"Authorizing resolution" means a resolution, adopted by the governing body of any municipality to which this Act applies in accordance with the provisions of Section 3 hereof, that authorizes the incorporation of an Authority.

"Board" means the board of directors of an Authority.

"Bonds" means and shall include bonds, notes and certificates representing an obligation to pay money.

"County" means any county in the state.

"County of incorporation" means the county in which the authorizing municipality is located.

"Director" means a member of the board of directors of the Authority.

"Governing body" means, with respect to a municipality, its city or town council, board of commissioners, or other like governing body.

"Heliport" means an airport designed primarily for use by helicopters.

"Incorporators" means the persons forming a public corporation organized pursuant to the provisions of this Act.

"Municipality" means an incorporated city or town of the state.

"Person", unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of the state or of a county or municipality.

"Principal office" means the place at which the certificate of incorporation and amendments thereto, the by-laws, and the minutes of proceedings of the board of an Authority are kept.

"Property" means and includes real and personal property, and interests therein.

"State" means the State of Alabama.

Section 3. Use of Phrases. The following provisions shall be applied wherever appropriate herein:

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth in Section 2 hereof shall be deemed to include both singular and plural and to cover all genders.

Section 4. Filing of Application; Authorization of Incorporation by Governing Body of Authorizing Municipality. A public corporation may be organized pursuant to the provisions of this Act in any municipality having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any subsequent Federal Decennial Census. In order to incorporate such a public corporation, any number of natural persons, not less than three, shall first file a written application with the governing body of such municipality, which application shall:

(1) Contain a statement that the applicants propose to incorporate an Authority pursuant to the provisions of this Act;

(2) State the proposed location of the principal office of the Authority, which shall be within the county in which is located the municipality with the governing body of which such application is filed;

(3) State that each of the applicants is a duly qualified elector of the municipality with the governing body which such application is filed; and

(4) Request that the governing body of such municipality adopt a resolution declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof.

Every such application shall be accompanied by such supporting documents or evidence as the applicants may consider appropriate. As promptly as may be practicable after the filing of the application with it in accordance with the provisions of this section, the governing body of the municipality with which the application was filed shall review the contents of the application, and shall adopt a resolution either (a) denying the application or (b) declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof. The governing body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such governing body at which final action upon said application is taken.

Section 5. Procedure to Incorporate: Contents and Execution of Certificate of Incorporation. Within forty (40) days following the adoption of an authorizing resolution the applicants shall proceed to incorporate an Authority by filing for record in the office of the Judge of Probate of the county of incorporation a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

The certificate of incorporation of the Authority shall state:

(1) The names of the persons forming the Authority, and that each of them is a duly qualified elector of the authorizing municipality.

(2) The name of the Authority (which shall be "_____ Airport Authority", with the insertion of the name of the authorizing municipality and, if deemed appropriate by the incorporators, of additional identifying words);

(3) The period for the duration of the Authority (if the duration is to be perpetual, subject to the provisions of Section 21 hereof, that fact shall be stated);

(4) The name of the authorizing municipality together with the date on which the governing body thereof adopted the authorizing resolution;

(5) The location of the principal office of the Authority, which shall be in the authorizing municipality;

(6) That the Authority is organized pursuant to the provisions of this Act; and

(7) Any other matters relating to the Authority that the incorporators may choose to insert and that are not inconsistent with this Act or with the laws of the state.

The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deed. When the certificate of incorporation is filed for record, there shall be attached to it (a) a copy of the application as filed with the governing body of the authorizing municipality in accordance with the provisions of Section 4 hereof, (b) a certified copy of the authorizing resolution adopted by the governing body of the authorizing municipality, and (c) a certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the Authority shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The Judge of Probate shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the Authority has been filed for record.

Section 6. Amendments to Certificate of Incorporation. The certificate of incorporation of any Authority incorporated under the provisions of this Act may at any time and from time to time be amended in the manner provided in this section. The board of directors of the Authority shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the Authority, the chairman of the board or other chief executive officer of the Authority and the secretary of the Authority shall sign and file a written application in the name of and on behalf of the Authority, under its seal, with the governing body of the authoring municipality, requesting such governing body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman or other chief executive officer may consider appropriate. As promptly as may be practicable after the filing of the said application with the governing body of the authorizing municipality pursuant to the foregoing provisions of this section, that governing body shall review the said application and shall adopt a resolution either denying the said application or authorizing the proposed amendment. Such governing body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said governing body at which final action upon the said application is taken.

Within forty (40) days following the adoption by the governing body of the authorizing municipality of a resolution approving the proposed amendment the chairman of the board or other chief executive officer of the Authority and the secretary of the Authority shall sign, and file for record in the office of the Judge of Probate of the county of incorporation a certificate in the name of and in behalf of the authority, under its seal, reciting the adoption of said respective resolutions by the board and by the said governing body and setting forth the said proposed amendment.

Section 7. Board of Directors. Each Authority shall be governed by a board of directors. All powers of the Authority shall be exercised by the board or pursuant to its authorization. The board shall consist of five directors, who shall be elected by the governing body of the authorizing municipality for staggered terms as hereinafter provided and as specified by the governing body of the authorizing municipality. The initial terms of office of two such directors shall begin immediately upon their respective elections and shall end at 12:01 o'clock, A. M., on the second anniversary date of the filing for record of the certificate of incorporation of the Authority. The initial terms of office of three such directors shall begin immediately upon their respective elections and shall end at 12:01 o'clock, A. M., on the fourth anniversary date of the filing for record of the certificate of incorporation of the Authority. Thereafter, the term of office of each such director shall be four years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the authorizing municipality. Each election of a director, whether for a full four year term or to complete an unexpired term, shall be made not earlier than thirty days prior to the date on which such director is to take office as such. Each director must be a duly qualified elector of the authorizing municipality. Directors shall be eligible for re-election. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director except the chairman of the board shall be compensated in an additional amount not to exceed \$10 per meeting attended but not to exceed \$250 per year. The chairman shall, if said certificate so provides, be compensated in an additional amount not to exceed \$500 per year. Any director of the Authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.

Section 8. Powers of Authority. The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be perpetuity, subject to the provisions of Section 21 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions, excepting actions in tort, and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) To acquire, receive and take, by purchase, gift, lease, devise or otherwise, and to hold property of every description, real, personal or mixed;

(6) To make, enter into, and execute such contract, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power expressly granted hereunder;

(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip, operate, regulate and protect airports and air navigation facilities in the county of incorpora-

tion, including the acquisition, construction, installation, equipment, maintenance and operation at such airports of buildings, hangars, and other facilities for airlines and the servicing of aircraft or for the comfort and accommodation of air travelers, and the purchase and sale of supplies, goods, and commodities as are incident to the operation of its airport properties;

(8) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair and operate heliports, aerial aircraft (by whatever name such may be known) landing, loading or storage areas and transportation terminals,

(9) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain and repair buildings, structures and facilities, suitable for use as parks, exhibits or exhibitions at, upon or adjacent to any airport, heliport or aircraft landing area owned or operated by such Authority, and to lease or let such buildings, structures and facilities or any one or more of them to such tenant or tenants, for such term or terms, at such compensation or rental and subject to such provisions, limitations and conditions as the Authority may require or approve;

(10) To furnish or supply upon any airport, heliport or aircraft landing area owned or operated by or under the jurisdiction of the Authority, to persons and aircraft thereon, for reward or compensation, goods, commodities, area, facilities and services convenient or useful to the owners, operators and users of aircraft, and to persons upon said airport, heliport or aircraft landing area, including, without limiting the generality of the foregoing, food, lodging, shelter, lawful drinks, confections, reading matter, oil, gasoline, motors and aircraft, motor and aircraft parts and equipment, space in buildings, space for buildings and structures, parking space for aircraft and automobiles, and the service of mechanics, instructors and hostlers;

(11) To confer upon individuals, firms, corporations or companies for reward or compensation the privilege or concession of supplying upon any airport, heliport, or aircraft landing area owned or operated by or under the jurisdiction of the Authority, all or any part of the goods, commodities, things, services and facilities in clause (10) of this section authorized to be supplied;

(12) To acquire, by purchase, gift, devise, lease, or otherwise, existing airports and air navigation facilities in the county, provided, however, that the Authority shall not acquire or take over any airport or air navigation facility owned or controlled by any county, municipality or public agency of the state, or any one or more thereof, without the consent of such county, municipality or public agency;

(13) To sell and issue bonds of the Authority in order to provide funds for any corporate function, use or purpose, any such bonds to be payable solely out of the revenues derived from any air transportation facilities of the Authority;

(14) To assume obligations secured by a lien on, or payable out of or secured by a pledge of the revenues from, any air transportation facilities or any part thereof, that may be acquired by the Authority, any obligation so assumed to be payable by the Authority solely out of the revenues derived from the operation of any air transportation facilities of the Authority;

(15) To pledge for payment of any bonds issued or obligations assumed by the Authority any revenues from which those bonds or obligations are made payable as herein provided;

(16) To execute and deliver, in accordance with the provisions of this section and of Section 10 hereof, mortgages and deed of trust and trust indentures, or either;

(17) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Title 19 of the Code of Alabama of 1940, as amended, with respect to any property, real, personal or mixed, including air space, structures and obstructions to flights, and property already devoted to public use that may be necessary for the construction, extension, maintenance, operation, protection, enlargement, improvement or preservation of an airport or airport facility, provided, however, that this clause shall not be deemed to authorize the Authority to acquire, without the consent of the owner or owners thereof, any air transportation facilities from which public transportation service is at the time being furnished;

(18) Subject to the provisions of Section 19 of this Act, to appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including but without limitation to engineers, attorneys, management consultants, and fiscal advisers, as the business of the Authority may require, and at its option to provide a system of disability pay, retirement compensation and pensions, or any of them;

(19) To make and enforce reasonable rules and regulations governing the use of any air transportation facilities owned or controlled by the Authority;

(20) To provide for such insurance, including but without limitation to use and occupancy insurance, as the board may deem advisable;

(21) To invest any funds of the Authority that the board may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, and interest bearing bank deposits, or any thereof;

(22) To cooperate with the United States of America, any agency or instrumentality thereof, the state, any county, municipality or other political subdivision of the state and any public corporation organized under the laws of the state and to make such contracts with them, or any of them, as the board may deem advisable to accomplish the purposes for which the Authority was established;

(23) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful as a part of air transportation facilities of the Authority;

(24) To sell and convey, without valuable consideration, any of its properties to any one or more counties, municipalities, or public corporations organized under the laws of the state, which have the corporate power to operate the properties so conveyed and the property and income of which are not subject to taxation; provided, that any such sale and conveyance may be made (a) only with the consent of the authorizing municipality, as evidenced by a resolution adopted by its governing body, and (b) only if any such conveyance would not constitute a breach of any then outstanding mortgage and deed of trust, trust indenture, or other agreement to which the Authority is a party;

(25) To enter into a management agreement or agreements with any person for the management by or for the Authority of any air transportation facilities upon such terms and conditions as may be mutually agreeable; and

(26) To fix and revise from time to time reasonable landing fees, tolls, rents and other charges for the use of any air transportation facilities owned or operated by the Authority, and to collect all charges made by it.

Nothing herein shall be construed to permit an Authority to acquire, receive, take, hold, establish, develop, construct, reconstruct, enlarge, improve, maintain, equip or operate any property located outside the county of incorporation.

Section 9. Fees, Tolls, Rents and Charges. Landing fees, tolls, rents and other charges for the use of air transportation facilities owned or operated by the Authority shall be so fixed and from time to time revised as at all times to provide funds at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving such air transportation facilities; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the Authority, that are payable out of the revenues derived from operation of such facilities as the said principal and interest become due and payable; (c) to create and maintain such reserve for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the Authority hereunder or in any resolutions of the board authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such facilities, and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the state, municipalities, counties, departments, authorities, agencies, and political subdivisions of the state and any public corporations organized under the laws of the state as the Authority may have contracted to make.

Section 10. Bonds of Authority. (a) **Execution.** All bonds issued by the Authority shall be signed by the chairman of its board or other chief executive officer and attested by its secretary, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the bonds of the Authority shall be signed by the chairman of its board or other chief executive officer; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(b) **General Provisions Respecting Form, Interest Rate, Maturities, Sale, Refunding and Negotiability of Bonds.** Any such bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds issued or obligations assumed by the Authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the Authority, which may be sold by the Authority at public or private sale at such price or prices as may be determined by its board to be most advantageous, or which may be exchanged for the bonds

or other obligations to be refunded. The Authority may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source.

(c) **Nature of Obligation and Source of Payment.** All obligations created or assumed and all bonds issued or assumed by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of any county or municipality; provided that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the Authority. Any bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of the revenues of the Authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation of all air transportation facilities owned by the Authority or solely out of the revenues from the operation of any one or more of such facilities or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular facilities of the Authority.

(d) **Pledge of Revenues and Other Security.** The Authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the air transportation facilities, or any part of any thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the Authority may contain such agreements as the board may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

(e) **Eligibility for Investment.** The governing body of any county or municipality is authorized in its discretion to invest in bonds of the Authority any idle or surplus money held in its treasury. Such Bonds are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 11. Contracts to Secure Bonds and Assumed Obligations. As security for payment of the principal of and the interest on bonds issued or obligations assumed by it, the Authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any air transportation facilities owned by it, or any part or parts thereof, for the imposition and collection of reasonable fees, rents, tolls and other charges for, and the promulgation of reasonable regulations respecting the use of any such facilities, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this Act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such facilities will be sufficient to operate such system, maintain the same in good repair and in good operating condition, pay the principal of and the interest on any bonds payable from such revenues, and maintain such reserve

as may be deemed appropriate for the protection of the bonds, the efficient operation of such facilities and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust, or trust indenture made by the Authority hereunder.

Section 12. Notice of Pledge of Revenues. Any pledge of revenues from the operation of air transportation facilities of an Authority shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the Authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the Judge of Probate of the county of incorporation. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the board, the principal amount of bonds issued, a brief description of the revenues so pledged and a brief description of any property the revenues from which are so pledged. The method provided in this section for the giving of notice of any such pledge of revenues shall be in addition to, and not in lieu of, any other methods now or hereafter provided under the laws of the state for the giving of notice of a pledge of, or the creation or perfection of a lien on or a security interest in, such revenues.

Section 13. Proceeds from Sale of Bonds. All moneys derived from the sale of any bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of acquiring or constructing all or any part of an air transportation facility, interest on such bonds (or, if a part only of any series of bonds is issued for acquisition or construction purposes, interest on that portion of the bonds of the series that is issued to pay such acquisition or construction costs) prior to and during such acquisition or construction and for not exceeding one year after completion of such acquisition or construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the Authority, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

Section 14. Cooperation: Aid From Other Public Bodies. For the purpose of aiding or cooperating with the Authority in the planning, development, undertaking, construction, acquisition, extension, improvement, operation or protection of air transportation facilities, any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state may, upon such terms and with or without consideration, as it may determine; (a) lend or donate money to, or perform services for the benefit of, the Authority; (b) donate, sell, convey, transfer, lease or grant to the Authority, without the necessity of authorization at any election of qualified voters, any property of any kind, including, but without limitation, any air transportation facility, any interest in any thereof, and any franchise; (c) provide that all or a portion of the taxes or funds available or to become available to, or required by law to be used by, it for air transportation facilities or for the support of public aviation generally, be transferred or

paid directly to the Authority as such funds become available; (d) furnish, dedicate, close, pave, repair, install, grade, regrade, plan or replan streets, roads, roadways and walks from established streets or roads to any air transportation facility of the Authority; and (e) do any and all things, whether or not specifically authorized in this section, not otherwise prohibited by law, that may be necessary or convenient to aid and cooperate with the Authority in the planning, undertaking, construction, acquisition, or operation of air transportation facilities.

Section 15. Suits Against the Authority or Any Director. No action or suit shall be brought or maintained against the Authority or any director thereof, for or on account of the negligence of such Authority or director, or its or his agents, servants or employees, in or about the construction, maintenance, operation, superintendence or management of any air transportation facility owned or controlled by the Authority.

Section 16. Exemption from Zoning Restrictions; Zoning Powers. The Authority shall be exempt from all zoning laws, ordinances and regulations. The Authority shall have the same zoning powers, with respect to the zoning of airports in unincorporated areas owned or operated by such Authority and the zoning of unincorporated areas lying within two miles of the boundaries of such airports as are conferred by Act No. 730 enacted at the 1953 Regular Session of the Legislature of Alabama on municipalities owning or operating airports.

Section 17. Exemption from Taxation. The property and income of the Authority, all bonds issued by the Authority, the income from such bonds, conveyances by or to the Authority, and leases, mortgages, and deeds of trust by or to the Authority shall be exempt from all taxation in the State of Alabama. The Authority shall be exempt from all taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities that an Authority may engage in. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. Nothing in this section shall be construed to exempt concessionaires, licensees, tenants, operators or lessees of the Authority from the payment of any taxes, including but without limitation to license or privilege taxes levied by the state or any county or municipality.

Section 18. Freedom of Authority from Public Service Commission and Other State Supervision and Control. This Act is intended to aid the state in the execution of its duties by providing appropriate and independent instrumentalities of the state with full and adequate powers to fulfill their functions. Except as in this Act expressly otherwise provided, no proceeding, notice or approval shall be required for the incorporation of any Authority or the amendment of its certificate of incorporation, the acquisition of any air transportation facilities or other property, or the issuance of any bonds, mortgage and deed of trust, or trust indenture. The Authority, all property of the Authority, and the fees, tolls, rents and other charges for the use of such property or for any services therefrom, shall be exempt from all jurisdiction of, and all regulation and supervision by, the Public Service Commission. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of bonds by the Authority.

Section 19. Aviation Director; Applicability of Civil Service or Merit System Laws. The board shall have the power to employ a general administrative officer to supervise the operation of all air trans-

portation facilities of the Authority. Such general administrative officer, who shall have the title of Aviation Director, shall serve at the pleasure of the board and shall receive such compensation as the board may direct. All other employees of the Authority (except any employee who is also a director) shall be subject to the provisions of any civil service or merit system applicable at any time to employees of the authorizing municipality to the same extent as if such employees of the Authority were employees of such authorizing municipality.

Section 20. Annual Audits. Within thirty (30) days following the close of each fiscal year the Authority shall cause an audit of its books and records to be made for such fiscal year by an independent certified public accountant. Within ninety (90) days following the close of each fiscal year the Authority will furnish a copy of such audit to the governing body of the authorizing municipality.

Section 21. Dissolution of Authority and Vesting of Property. At any time when the Authority has no bonds or other obligations outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon the filing for record of a certified copy of the said resolution in the office of the Judge of Probate of the county of incorporation, the Authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to the authorizing municipality.

Section 22. Existence of an Authority Not To Prevent Incorporation of Another by the Same Municipality. The existence of an Authority incorporated under the provisions of this Act shall not prevent the subsequent incorporation hereunder of another Authority pursuant to authority granted by the same municipality.

Section 23. Provisions are Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

Section 24. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 25. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Noonan
Bailes	Foshee	King	Owen
Branyon	Gilmore	Littleton	Pierce
Carr	Givhan	Lybrand	Shelby
Clark	Hammond	McLain	Vacca
Cook	Harris	Malone	Weaver
Cooper	Hawkins		

—25

Nays:

—0

And said Bill, S. B. 220, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Noonan
Bailes	Foshee	King	Owen
Branyon	Gilmore	Littleton	Pierce
Carr	Givhan	Lybrand	Shelby
Clark	Hammond	McLain	Vacca
Cook	Harris	Malone	Weaver
Cooper	Hawkins		

—25

Nays:

—0

The Bill:

H. 201. To authorize and permit grocery stores to remain open on Sunday in each County in the State having a population of not less than 50,000 and not more than 52,500 inhabitants according to the last or any succeeding Federal Census, provided any such grocery store does not have on duty in such stores more than two employees at any one time on Sunday, and further provided that said grocery store does not exceed 3,500 square feet of floor space, and to provide licensing such grocery stores by the license issuing officers of such County; authorizing the State to enjoin grocery stores remaining open on Sunday contrary to this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Littleton	Pierce
Carr	Givhan	Lybrand	Register
Clark	Hammond	McLain	Shelby
Cook	Harris	Malone	Vacca
Cooper	Hawkins	Noonan	Weaver
Dominick	Horne	Owen	Wilson
Dozier	Jones		

—25

Nays:

—0

The Bill:

H. 237. To provide an allowance to the Judge of the Second Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	King	Pelham
Bailes	Dozier	Littleton	Pierce
Branyon	Foshee	Lybrand	Register
Carr	Givhan	McLain	Shelby
Clark	Hammond	Malone	Vacca
Cook	Harris	Noonan	Weaver
Cooper	Hawkins		

—25

Nays:

—0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Senate Chambers
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor relative to appointments on the Livingston State University Board of Trustees.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 27th DAY OF JANUARY, 1972.

To the Senate of Alabama
Senate Chambers
State Capitol
Montgomery, Alabama

Gentlemen:

Under the provisions of Act No. 1190, Regular Session 1971, I have appointed the following named persons on the Livingston State University Board of Trustees:

Mr. Counce B. Hightower, III, York, Alabama; From the State at Large For term expiring December 27, 1975.

Mr. Hugh Edmonds, Brent, Alabama; From the State at Large For term expiring December 27, 1975.

Mr. Lee Williams, Attorney at Law, Grove Hill, Alabama; From the State at Large For term expiring December 27, 1979.

Mr. Joe C. McCorquodale, Jr., Jackson, Alabama; From the State at Large For term expiring December 27, 1979.

Mrs. Walter C. Givhan, Safford, Alabama; From Fourth Congressional District For term expiring December 27, 1983.

Mr. Charles Nolen, Fayette, Alabama; From Seventh Congressional District For term expiring December 27, 1983.

The above appointments are submitted to you for confirmation or for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Livingston State University Board of Trustees, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 240. To provide for the election of a seven member Board of Education for the City of Athens, Alabama, and to provide for the terms of said members, to provide for the repeal of all laws or parts of laws in conflict herewith, and to provide an effective date for the act.

was taken up.

Mr. Harris offered the following amendment to the Bill, H. B. 240, to-wit:

AMENDMENT TO H. B. 240

Amend Section 2 by deleting therefrom the words: "Immediately upon the passage and approval of this Act", and substituting therefor the following:

"Immediately following the effective date of this Act";

Also, amend Section 5 by deleting it in its entirety and substituting therefor the following:

"Section 5. This Act shall become effective on March 1, 1972."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Bailes	Foshee	Littleton	Pelham	
Branyon	Gilmore	Lybrand	Pierce	
Carr	Givhan	McLain	Weaver	
Clark	Harris	Malone	Wilder	
Cook	Horne	Noonan	Wilson	
Cooper	Jones			—25

Nays:

—0

And said Bill, H. B. 240, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Bailes	Foshee	Littleton	Pelham	
Branyon	Gilmore	Lybrand	Pierce	
Carr	Givhan	McLain	Weaver	
Clark	Harris	Malone	Wilder	
Cook	Horne	Noonan	Wilson	
Cooper	Jones			—25

Nays:

—0

The Bill:

H. 252. Proposing an amendment to the Constitution of Alabama authorizing the Legislature to provide by local law the manner in which applications for registration to vote in Madison County shall be made.

Was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Pelham	
Bailes	Dozier	King	Pierce	
Branyon	Givhan	Littleton	Vacca	
Carr	Hammond	McLain	Weaver	
Clark	Harris	Noonan	Wilder	
Cook	Hawkins	Owen	Wilson	
Cooper	Horne			—25

Nays: —0

The Bill:

H. 253. Relating to Solicitor's or District Attorney's funds in judicial circuits consisting of one county and one county having not less than 175,000 nor more than 300,000 according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Pelham	
Bailes	Dozier	Jones	Pierce	
Branyon	Fine	King	Register	
Carr	Foshee	Littleton	Shelby	
Clark	Gilmore	McLain	Vacca	
Cook	Givhan	Noonan	Weaver	
Cooper	Hammond			—25

Nays: —0

The Bill:

H. 254. To apply only in counties having a population not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; fixing and providing for a uniform and clothing allowance for deputies and members of the sheriff's force of such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	King	Register	
Carr	Givhan	Littleton	Shelby	
Clark	Hammond	McLain	Vacca	
Cook	Harris	Noonan	Weaver	
Cooper	Hawkins	Pelham	Wilder	
Dominick	Horne	Pierce	Wilson	
Dozier	Jones			—25

Nays: —0

The Bill:

H. 255. To apply only to counties having a population of not less than 175,000 nor more than 300,000 according to the most recent federal

decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Jones	Pelham
Bailes	Gilmore	King	Pierce
Branyon	Givhan	Littleton	Register
Carr	Hammond	McLain	Shelby
Dominick	Harris	Noonan	Wilder
Dozier	Hawkins	Owen	Wilson
Fine	Horne		

—25

Nays:

—0

The Bill:

H. 256. To authorize and create an additional judge of the Madison County Court and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other judge of the Madison County Court, to provide for the designation of each of the two positions of the judges of the Madison County Court by number and to provide for the salary of the additional judge.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Owen
Bailes	Dozier	Jones	Pelham
Branyon	Fine	King	Pierce
Carr	Foshee	Littleton	Register
Clark	Gilmore	McLain	Shelby
Cook	Givhan	Noonan	Vacca
Cooper	Hammond		

—25

Nays:

—0

The Bill:

H. 262. To authorize the county boards of education in all counties having populations of not less than 26,725 nor more than 27,250, according to the last or any subsequent federal decennial census, to furnish certain supplies and services, used for educational purposes, heretofore furnished by the county commission and relieving the county commissioners of the responsibility of furnishing such supplies and services.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Horne	Noonan
Bailes	Foshee	King	Pelham
Carr	Gilmore	Littleton	Pierce
Cook	Givhan	Lybrand	Register
Cooper	Hammond	McLain	Shelby
Dominick	Harris	Malone	Vacca
Dozier	Hawkins		

—25

Nays:

—0

The Bill:

H. 264. Relating to counties having a population of not less than 56,500 nor more than 59,000, according to the most recent federal decennial census; to authorize the county governing body to appropriate and use certain county funds and to designate and use certain county property, buildings and facilities in order to qualify for and receive federal assistance under the Federal Economic Opportunity Act of 1964.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Carr	Foshee	Lybrand	Register	
Clark	Harris	McLain	Vacca	
Cook	Hawkins	Malone	Weaver	
Cooper	Horne	Noonan	Wilder	
Dominick	Jones	Owen	Wilson	
Dozier	King			—25

Nays: —0

The Bill:

H. 224. Relating to all counties having a population of not less than 56,500 nor more than 59,000 according to the most recent federal decennial census, to provide for the regulation of parking on property of such counties around the county courthouse; to set a time limit for motor vehicles to be parked; to regulate parking of vehicles blocking driveways for unreasonable periods; to prohibit blocking of other vehicles lawfully parked and to prohibit parking in unauthorized places; and to authorize the sheriff and such persons as he may deputize, to enforce the provisions of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Balles	Foshee	Lybrand	Register	
Branyon	Gilmore	McLain	Vacca	
Cook	Givhan	Malone	Weaver	
Cooper	Horne	Noonan	Wilder	
Dominick	Jones	Owen	Wilson	
Dozier	King			—25

Nays: —0

The Bill:

H. 279. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants, according to the last or any subsequent federal decennial census; to provide an additional allowance for all salaried deputies of such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	King	Owen
Branyon	Fine	Littleton	Pelham
Carr	Foshee	Lybrand	Pierce
Clark	Harris	McLain	Register
Cook	Hawkins	Malone	Wilder
Cooper	Horne	Noonan	Wilson
Dominick	Jones		

—25

Nays:

—0

The Bill:

H. 293. Relating to counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to authorize the county governing body to provide protection against forest fires within the county and to assess the whole or part of the cost thereof, within a prescribed limit, against forest lands within the county; and prescribing the procedure for levying and collecting such assessments.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	King	Owen
Bailes	Givhan	Littleton	Shelby
Carr	Hammond	Lybrand	Vacca
Cook	Harris	McLain	Weaver
Cooper	Hawkins	Malone	Wilder
Dominick	Horne	Noonan	Wilson
Dozier	Jones		

—25

Nays:

—0

The Bill:

H. 309. Relating to all counties having a population of not less than 12,000 nor more than 12,800 according to the most recent federal decennial census; to provide further for the pay of the coroner.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Carr	Foshee	Littleton	Pelham
Clark	Gilmore	Lybrand	Pierce
Cook	Givhan	McLain	Register
Cooper	Hammond	Malone	Weaver
Dominick	Harris	Noonan	Wilson
Dozier	Hawkins		

—25

Nays:

—0

The Bill:

H. 311. To increase the Director's fees of Boards operating public utility corporations in municipalities having a population of not less than 6,836, nor more than 6,907.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Bailes	Foshee	Littleton	Shelby
Branyon	Gilmore	Lybrand	Vacca
Carr	Givhan	McLain	Weaver
Clark	Harris	Malone	Wilder
Cook	Horne	Noonan	Wilson
Cooper	Jones		

—25

Nays:

—0

The Bill:

H. 310. Relating to counties having populations of not less than 27,000 nor more than 27,900, according to the most recent federal decennial census, whose roads and bridges are constructed and maintained by the State Highway Department, forbidding the judge of probate to remit certain funds to the State Highway Department.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham
Bailes	Hammond	Lybrand	Pierce
Branyon	Harris	McLain	Vacca
Carr	Hawkins	Malone	Weaver
Cooper	Horne	Noonan	Wilder
Dominick	Jones	Owen	Wilson
Dozier	King		

—25

Nays:

—0

Mr. Fine moved that the Senate reconsider the vote by which the Bill, H. B. 310, was passed and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 319. To amend further Act No. 437, H. 774, Regular Session 1969 (Acts 1969, p. 864), which Act provides for the incorporation, management, authorization, and operation of an authority to provide installations for the amusement, entertainment, recreation, and cultural development of the citizens of certain counties classified on a population basis, amending such Act in relation to the powers of the board of directors of the authority relative to the handling of funds of the authority.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lybrand	Pierce
Carr	Givhan	McLain	Register
Clark	Hammond	Malone	Shelby
Cook	Harris	Noonan	Vacca
Cooper	Horne	Owen	Weaver
Dominick	King	Pelham	Wilder
Dozier	Littleton		

—25

Nays:

—0

The Bill:

H. 315. To authorize the sheriff of Chilton County to collect and retain the fees and allowances prescribed by law for feeding prisoners.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Pelham	
Bailes	Fine	King	Pierce	
Branyon	Foshee	Littleton	Register	
Carr	Gilmore	Malone	Shelby	
Clark	Givhan	Noonan	Vacca	
Cook	Hammond	Owen	Weaver	
Cooper	Harris			—25

Nays: —0

The Bill:

H. 317. Relating to counties having a population of not less than 25,150 nor more than 26,500 according to the most recent federal decennial census; to provide compensation for members of the county hospital board.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Owen	
Carr	Foshee	King	Shelby	
Clark	Gilmore	Littleton	Vacca	
Cook	Givhan	McLain	Weaver	
Cooper	Harris	Malone	Wilder	
Dominick	Hawkins	Noonan	Wilson	
Dozier	Horne			—25

Nays: —0

The Bill:

H. 325. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; to repeal any Act relating to such counties numbered Act No. 1287, H. 1658, approved September 17, 1971, Regular Session 1971.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Bailes	Foshee	Littleton	Pelham	
Branyon	Hammond	Lybrand	Pierce	
Carr	Harris	McLain	Register	
Clark	Hawkins	Malone	Shelby	
Cook	Horne	Noonan	Wilson	
Cooper	Jones			—25

Nays: —0

The Bill:

H. 348. To provide expense allowance for the Court Reporter of the Thirty Second Judicial Circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Bailes	Foshee	Littleton	Pelham	
Branyon	Gilmore	Lybrand	Pierce	
Carr	Givhan	McLain	Register	
Clark	Hammond	Malone	Shelby	
Dominick	Horne	Noonan	Wilson	
Dozier	Jones			—25

Nays: —0

The Bill:

H. 349. Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the Probate Judge in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pelham	
Carr	Gilmore	Lybrand	Pierce	
Clark	Givhan	McLain	Register	
Cook	Hammond	Malone	Shelby	
Cooper	Harris	Noonan	Vacca	
Dominick	Hawkins	Owen	Wilson	
Fine	King			—25

Nays: —0

The Bill:

H. 350. Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the District Attorney in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Bailes	Foshee	Littleton	Pelham	
Branyon	Hammond	Lybrand	Shelby	
Cook	Harris	McLain	Vacca	
Cooper	Hawkins	Malone	Weaver	
Dominick	Horne	Noonan	Wilson	
Dozier	Jones			—25

Nays: —0

The Bill:

H. 357. To provide for the qualifications of the superintendent of education in any county having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to make the provisions of this Act retroactive to September 1, 1971.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	King	Pelham	
Bailes	Fine	Littleton	Pierce	
Branyon	Gilmore	Lybrand	Register	
Carr	Givhan	McLain	Shelby	
Clark	Hammond	Malone	Vacca	
Cook	Horne	Noonan	Weaver	
Cooper	Jones			—25

Nays:

—0

The Bill:

H. 358. To regulate the compensation of county superintendents of education in counties having populations of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to make the provisions of this Act retroactive to September 1, 1971.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	King	Owen	
Bailes	Givhan	Littleton	Pelham	
Branyon	Hammond	Lybrand	Pierce	
Carr	Harris	McLain	Register	
Clark	Hawkins	Malone	Wilder	
Cook	Horne	Noonan	Wilson	
Fine	Jones			—25

Nays:

—0

The Bill:

H. 364. To repeal Act No. 1389 of the 1971 Regular Session relating to counties having a population of between 175,000 and 300,000 persons according to the last Federal Decennial Census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Register	
Carr	Hammond	McLain	Shelby	
Clark	Harris	Noonan	Vacca	
Cook	Hawkins	Owen	Weaver	
Cooper	Horne	Pelham	Wilder	
Dominick	Jones	Pierce	Wilson	
Dozier	King			—25

Nays:

—0

The Bill:

H. 213. Relating to the financing of sanitary sewers in each county having a population of 600,000 or more according to the last or any subsequent federal decennial census; to authorize any such county to sell and issue from time to time its interest-bearing warrants for the purpose of obtaining funds to finance the cost of acquiring or providing sanitary sewer facilities for the collection, transmission, treatment and disposal of sewage; to provide that such warrants shall evidence the general obligation indebtedness of any such county; to provide that such warrants may, at the discretion of the governing body of any such county, be additionally secured by a pledge or pledges of the revenues from such facilities, or the proceeds from certain taxes, or both such revenues and such taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to authorize any such county to enter into the undertakings and to assume the obligations permitted by Act No. 42 enacted at the 1971 Regular Session of the Legislature; to provide that the issuance of any warrants and the interest coupons applicable thereto or the execution of any contract pursuant to the said Act No. 42 shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof; to exempt such warrants and contracts from the provisions of Chapters 6 and 8 of Title 12 of the Code of Alabama of 1940, as amended; and to provide for the severability of the provisions of this Act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham
Bailes	Gilmore	Lybrand	Pierce
Carr	Hammond	McLain	Register
Clark	Harris	Malone	Vacca
Cook	Hawkins	Noonan	Wilder
Dominick	Jones	Owen	Wilson
Edington	King		

—25

Nays:

—0

MOTION TO ADJOURN LOST

At 5:15 P. M., Mr. Carr moved that the Senate adjourn until Wednesday, February 2, 1972 at 12 o'clock Noon, which motion was lost.

Yeas 7; Nays 23.

Yeas:

Messrs.:	Carr	Gilmore	Malone
Bailes	Fine	Jones	Pierce

—7

Nays:

Messrs.:	Dozier	King	Pelham
Branyon	Foshee	Littleton	Shelby
Clark	Givhan	Lybrand	Vacca
Cook	Harris	McLain	Weaver
Cooper	Hawkins	Noonan	Wilder
Dominick	Horne	Owen	Wilson

—23

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 60. Relative to the adjournment of the two Houses.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 280. To repeal Act No. 1267, H. 1658, approved September 17, 1971, Regular Session 1971, entitled, "An act relating to Cullman County; providing an additional expense allowance to the Judge of the Inferior Court or Intermediate Court."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hammond	Lybrand	Pierce
Clark	Harris	McLain	Register
Cook	Hawkins	Malone	Shelby
Cooper	Horne	Noonan	Vacca
Dominick	Jones	Owen	Weaver
Dozier	King	Pelham	Wilson
Givhan	Littleton		

—25

Nays:

—0

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Dr. Bucher and Messrs. Grabensteder, Leslie, Wright and Berglin to the Water Improvement Commission.

On motion of Mr. Pelham, the appointment of Dr. Robert Bucher to the Water Improvement Commission was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Fine	King	Pierce
Bailes	Foshee	Littleton	Register
Branyon	Gilmore	Lybrand	Shelby
Carr	Givhan	McLain	Vacca
Cook	Hammond	Noonan	Weaver
Cooper	Hawkins	Owen	Wilder
Dominick	Horne	Pelham	

—26

Nays:

—0

On motion of Mr. McLain, the appointment of Honorable Louis Grabensteder to the Water Improvement Commission was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dozier	King	Pierce
Bailes	Fine	Littleton	Register
Branyon	Foshee	Lybrand	Vacca
Carr	Givhan	McLain	Weaver
Clark	Harris	Noonan	Wilder
Cook	Horne	Owen	Wilson
Dominick	Jones	Pelham	

—26

Nays:

—0

On motion of Mr. Pierce, the appointment of Honorable Henry Leslie to the Water Improvement Commission was confirmed by the Senate.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Owen
Bailes	Fine	Jones	Pelham
Branyon	Foshee	King	Pierce
Carr	Gilmore	Littleton	Register
Clark	Givhan	Lybrand	Vacca
Cook	Harris	McLain	Weaver
Cooper	Hawkins	Noonan	Wilder
Dominick			

—28

Nays:

—0

On motion of Mr. Malone, the appointment of Honorable Robert T. Wright to the Water Improvement Commission was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pelham
Branyon	Foshee	Littleton	Pierce
Clark	Gilmore	Lybrand	Register
Cook	Givhan	Malone	Vacca
Cooper	Hawkins	Noonan	Weaver
Dominick	Horne	Owen	Wilder
Dozier	Jones		

—25

Nays:

—0

On motion of Mr. Owen, the appointment of Honorable Marvin O. Berglin to the Water Improvement Commission was confirmed by the Senate:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Owen
Bailes	Dozier	Horne	Pelham
Branyon	Fine	Jones	Pierce
Carr	Foshee	King	Register
Clark	Gilmore	Littleton	Vacca
Cook	Givhan	Lybrand	Wilder
Cooper	Harris	Noonan	Wilson

—27

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 214. To establish a code of ethics for governmental affairs in the State of Alabama for elected and appointed State officials, members of the Legislature and members of boards and commissions; to establish the Alabama Board of Ethics for State Officials and fix its powers and duties in connection with said code with respect to State officials, members of the Legislature, and members of boards and commissions, to provide prescriptive periods with respect thereto; and to provide civil and criminal penalties in connection with certain violations hereof.

was taken up.

Mr. Cook offered the following substitute for the Bill, S. B. 214, to-wit:

SUBSTITUTE FOR S. 214

A BILL
TO BE ENTITLED
AN ACT

To provide a code of ethics for the executive and legislative branches of state government and for all state officials and employees therein, and for lobbyists; to establish the Alabama Ethics Commission as a permanent agency of state government, to provide for the appointment and terms of its members, and to prescribe its authority, duties and procedure; to define terms; to prescribe penalties for violations of this code of ethics; and to exclude officials and employees of the judicial branch of state government from the provisions of this act.

Whereas in order to secure, restore, promote and preserve the confidence of the people of Alabama in their state government and in the honesty and efficiency with which its officials and employees discharge their governmental responsibilities, it is of the utmost necessity that a code of ethics be established prescribing standards of conduct and a procedure for enforcing such standards.

Be It Enacted by the Legislature of Alabama:

PART I. DEFINITIONS

Section 1. Whenever used in this act, the following words and terms shall have the following respective meanings unless the context clearly indicates otherwise:

"Alabama Ethics Commission" means the permanent commission created in this act.

"Department" means a department or agency of state government.

"Regulatory agency" means any agency which issues licenses, fixes rates, promulgates rules and regulations which affect more than its internal operations, holds formal hearings or makes determinations.

"Lobbyist" means any person who is employed by any person, group, corporation, association or department or agency of government, whose main duty during legislative sessions is to influence legislation.

"Immediate family" means spouse and minor children.

PART II. LEGISLATIVE BRANCH

Section 1. No member of the Legislature shall accept any compensation, favor, service, or gift of substantial value from any source that might reasonably tend to influence him in regard to any service, advice, or assistance in matters relating to the legislative process.

Section 2. No member of the Legislature, and no person who is a member of the firm or business of a member of the Legislature, shall represent any person before any executive or regulatory agency for compensation; provided that this provision shall not be construed to prohibit a legislator from appearing without compensation before such agencies to represent his constituents.

Section 3. No member of the Legislature shall seek or accept employment with any state agency during his term of office.

Section 4. No member of the Legislature shall sell any goods or services to or engage in any type of business with any state agency. No firm or business in which the legislator is a member or partner or in which he owns more than a five per cent interest shall sell any goods or services to or engage in any type of business with any state agency.

The members of the immediate family of a legislator shall not sell any goods or services to or engage in any type of business with any state agency.

Section 5. No member of the Legislature shall introduce, vote upon or take any other legislative action in regard to any measure or bill in which he has a personal, private, or financial interest. Furthermore, he shall not take such actions in regard to a bill which has been introduced by another legislator in which he has any such interest. In the case of any bill, in which he has such interest, he shall disclose in writing the fact to the clerk or secretary of the house of which he is a member and send a copy of the disclosure to the Alabama Ethics Commission which disclosure shall be made available to the public.

Section 6. No member of the Legislature shall disclose confidential information or use for profit any confidential information received by him by virtue of his office.

Section 7. No member of the Legislature shall use his official position to secure any privilege or exemptions for himself, his immediate family, or his firm or business in his relations with any state agency or employee thereof.

Section 8. No member of a legislator's immediate family shall be employed (other than as a page) by the Legislature or any committee or agency thereof during the term of the member of the Legislature.

Section 9. No member of a legislator's immediate family shall be employed by any executive agency of the state during his term of office unless (a) such employment shall have preceded the legislator's election to the Legislature or (b) such employment is obtained through merit system procedures including the use of a competitive register.

Section 10. A. No legislator shall be appointed to or serve on the boards of trustees of any educational institution which receives state funds.

B. No legislator shall be appointed to serve on policy forming boards of state executive or regulatory agencies, except as provided for by law.

Section 11. No member of the Alabama Legislature shall engage in any conduct unbecoming a public official.

Section 12. No employee of either house of the Legislature shall, during the time he is so employed, commit any act or engage in any activity prohibited for members of the Legislature by any of the preceding sections.

Section 13. A. Each candidate for the Legislature shall file with the Probate Judge of the county in which he resides, and with the Secretary of State at the State Capitol, at the time he files his qualifying papers to seek election to the Legislature the following information:

i) A list of all financial interests of himself or his immediate family in excess of \$1,000 in any activity which has a substantial business commitment from any state agency or which is subject to the jurisdiction of a regulatory agency of the State of Alabama, provided that this section shall not be interpreted to mean that the amount of such interest shall be revealed; and

ii) A list of all entities having a substantial legislative interest, actual or probable, for which the legislator, his immediate family, his firm, or partnership has rendered compensated services within the last year in excess of \$500 in value; and

iii) A list of all offices, directorships and salaried employment of the legislator and his immediate family. Such listings of employment shall not include the amount of compensation nor shall political, religious, charitable, or public educational offices or directorships be included.

B. Each elected member of the Legislature and each employee thereof, except pages, shall file the above information with the clerk or secretary of the house of which he is a member and with the Alabama Ethics Commission, herein created, within ten days after the start of each regular session of the Legislature.

C. All such lists referred to above shall be open to public inspection at any reasonable time.

PART III. EXECUTIVE BRANCH

Section 1. No state official or employee of the executive branch of state government shall accept any compensation, favor, service, or gift of substantial value from any source except the State of Alabama that might reasonably tend to influence him in regard to any service, advice, or assistance in matters relating to the administrative process.

Section 2. No state official or employee of the executive branch of state government shall sell any goods or services to or engage in any type of business with any state agency. No firm or business in which such state official or employee is a member or partner or in which he owns more than a five per cent interest shall sell any goods or services to or engage in any type of business with any state agency.

The members of the immediate family of such state official or employee shall not sell any goods or services to or engage in any type of business with any state agency.

Section 3. No state official or employee of the executive branch of state government shall use the influence of his office or use information obtained therein to secure any privilege or exemptions for himself or others.

Section 4. No state official or employee of the executive branch of state government shall disclose confidential information or use for profit any confidential information received by him by virtue of his office.

Section 5. No state official or employee of the executive branch of state government shall make personal investments in any enterprise which seems likely to create a conflict of interest.

Section 6. No state official or employee of the executive branch of state government shall accept employment for any service or representation before any state agency.

Section 7. No state official or employee of the executive branch of state government shall accept outside employment which would tend to affect the impartial performance of his duties.

Section 8. No state official or employee of the executive branch of state government who has been employed by a state regulatory agency shall appear before that regulatory agency to represent any interest for a period of one year after the termination of his employment with that agency.

Section 9. Each candidate for elective state public office, other than legislators, shall file with the Secretary of State at the State Capitol, at the time he files his qualifying papers to seek election to the respective office, the information listed below in a), b), and c). All elected officials, all part-time members of state boards and commissions, all appointed officials and employees who have any duties concerned with purchasing or selling for the state, or who may have a conflict of interest by virtue of the duties of the position which they hold shall file with the Alabama Ethics Commission a statement which includes the information listed below in a), b), and c).

a) A list of all financial interests of himself and his immediate family in excess of \$1,000 in any activity which has substantial business commitments from any state agency or which is subject to the jurisdiction of a regulatory agency of the State of Alabama, provided that this section shall not be interpreted to mean that the amount of such interest shall be revealed; and,

b) A list of all offices, directorships and salaried employment of the candidate, official, or employee or his immediate family. Such listing of employment shall not include the amount of salary nor shall political, religious, charitable, or public educational offices or directorships be included.

c) The required disclosure statement shall be filed upon assumption of office, annually thereafter on the anniversary date or assumption, and upon the effective date of leaving office.

Section 10. A. Each department and agency of state government shall be required to examine its need for a departmental code of ethics and to report to the Alabama Ethics Commission on its findings. If, after such an examination, no need for a departmental code is found, this lack of need shall be satisfactorily explained to the Alabama Ethics Commission.

B. Any department finding a need for a supplemental code of ethics shall devise one and submit it to the Alabama Ethics Commission for review and approval.

C. No such departmental code shall have any content, or be permitted to have the effect of, conflicting with or hindering or diminishing the operation of the general code of ethics, and the general code of ethics shall be the superior statement in any contest.

PART IV. LOBBYISTS

Section 1. Any person, group, corporation, association, or department or agency of government which employs a person, by whatever title, whose main duty during legislative sessions is to act as a lobbyist to influence legislation, shall be required, by law, to register this person. Lobbyists so employed also are responsible for their registration.

Section 2. Registration shall be with the Clerk of the House of Representatives and shall include name and address of the legislative lobbyist, name and address of his principal, the compensation and conditions of employment, and the areas of his legislative interest. The Clerk of the House shall keep a roster of names so registered and shall furnish copies of the list to the Alabama Ethics Commission, the Secretary of the Senate, and the Secretary of State. In each of these offices, this roster shall be designated as a public record, open to inspection by any citizen. At the end of the legislative session, this list shall be published in the house and senate journals.

Section 3. Each person registered as provided above shall keep a list of all contributions and expenditures made for the purpose of influencing legislation including the name and address of each person making a contribution of \$100 or more either as a single contribution or cumulatively and the name and address of each person to whom or for whom an expenditure of \$25 or more is made on any one occasion or to whom or for whom a cumulative expenditure of \$200 or more is made during any regular or special session of the Legislature. A detailed, notarized statement with this information, including the total of such receipts and expenditures, shall be filed with the Clerk of the House, the Secretary of the Senate, the Secretary of State and the Alabama Ethics Commission within 30 days after adjournment of each legislative session. Such statements shall be deemed to be public records and shall be open for inspection during regular business hours in the offices where they are filed.

Section 4. No legislative lobbyist shall be allowed on the floor of either house of the Legislature while it is in session.

Section 5. Offices or meeting rooms in the Capitol shall be provided for the use of legislative lobbyists who wish to consult members of the Legislature during sessions.

Section 6. Violation of the law on registration of legislative lobbyists, and filing of required statements shall be a misdemeanor, punishable by fine or not less than \$100 nor more than \$1,000, or imprisonment not exceeding one year, or both. Prosecution of cases arising under this act shall be the responsibility of the Attorney General. Persons and organizations guilty of violating these provisions shall be barred from lobbying activities for a period of two years. Additional funds shall be provided for the offices of the Clerk of the House, the Secretary of the Senate, the Secretary of State, and the Attorney General to cover the expenses connected with the administration of this act.

Section 7. Questions arising as to whether the provisions of the regulation of lobbying apply to particular persons or particular information shall be referred to the Alabama Ethics Commission for decision.

Section 8. The provisions of this act and all laws with respect to lobbying which are in effect at the time this act becomes effective, and particularly those provisions contained in Section 352 of Title 14, Code of Alabama 1940, shall be strictly enforced by the Attorney General.

PART V. ALABAMA ETHICS COMMISSION

Section 1. There is hereby established a permanent commission to be known as the Alabama Ethics Commission which shall be composed of a total of ten members and shall be made up of an executive division and a legislative division having five members each. Members of the executive division shall be appointed as follows: The Governor shall appoint two members, one of whom shall be a merit system employee and one of whom shall be from outside the state government. The state board of education shall appoint two members, one of whom shall be a merit system employee, and one of whom shall be from outside the state government. The Attorney General shall appoint one member from outside the state government. The two merit system employees provided for above shall not be employees of the same agency of state government.

The legislative division shall be made up of five members appointed as follows: The Senate and House acting jointly shall appoint one member from the Senate and one from the House and three members from outside the state government.

The appointing authorities shall make every effort to insure that all members of the Alabama Ethics Commission are persons of unimpeachable moral character and integrity, and that they are representative of as broad a geographical area of the state as possible.

Section 2. Members of the Commission shall be appointed for staggered terms of six years each, except that the members first appointed shall serve for terms prescribed as follows: Of the members appointed by the Governor, the member from outside the state government shall serve for two years and the member who is a merit system employee shall serve for six years. Of the members appointed by the state board of education, the member from outside the state government shall serve for six years and the member who is a merit system employee shall serve for two years. The member appointed by the Attorney General shall serve for four years. Of the members appointed by the Legislature, one of the legislative members shall serve for two years and one for four years and the members appointed from outside the state government shall serve for terms of two, four and six years, respectively. The Legislature shall designate the number of years each of its original appointees shall serve. Thereafter all members of the Commission shall serve for terms of six years each, and appointments of successors to original members shall be made in the same manner as original appointments. Vacancies occurring before the expiration of the term of any member shall likewise be filled in the same manner for the duration of the unexpired term. If any legislative member of the Commission ceases to hold office as a member of the Legislature, such cessation of office shall be deemed to create a vacancy on the Commission. Such vacancy shall be filled not later than the fifth legislative day of the next ensuing regular or special session of the Legislature.

Section 3. Within thirty days after the appointment of all members of the Commission, the Commission shall meet at the State Capitol and elect a chairman and vice chairman from among its members and, in addition, shall elect a chairman and vice chairman for each of its divisions. Normally, the two divisions shall meet as one body to consider general problems regarding ethical matters. The Commission shall hold regular meetings quarterly and may hold other meetings upon the call of the chairman. The Legislative Division may meet separately to consider any charges involving members of the Legislature, and Executive Division may meet separately to consider any charges involving members of the executive branch of government.

Members of the Commission shall receive no compensation, but shall be entitled to reimbursement for their actual expenses incurred in attending meetings and performing duties of the Commission. Such expenses shall include costs of travel, food and lodging.

Section 4. The Commission shall be authorized to appoint a director and to fix his salary and to appoint such other employees, subject to the merit system law, as the Commission deems appropriate. The Attorney General shall assign an Assistant Attorney General to the Commission who shall be included in its staff, and such staff shall serve both divisions of the Commission.

Section 5. The Alabama Ethics Commission shall have the following authority and duties:

- 1) To investigate charges brought under the code of ethics for the Legislature, the executive agencies, and lobbyists.

- 2) To administer the disclosure provisions contained in the code of ethics for the legislative and executive branch and the registration and disclosure provisions for lobbyists.

- 3) To give advice to legislators, officials, and employees of the executive branch or lobbyists on request on questions of interpretation which may arise under the codes or under the subsidiary codes developed by any executive agency.

- 4) To carry on a continuing study of matters relating to ethical conduct in state and local government and recommend to the Legislature any necessary changes in legislation. The Commission also shall review and approve the subsidiary codes of ethics submitted by executive agencies and recommend any necessary changes.

- 5) To serve as a supportive agency and an advisory body to those professional registration and/or licensing boards and agencies which may request its assistance.

- 6) In the event that the Legislature, at some later date, determines that there should be an election registry or bureau, to serve as such a bureau or registry.

- 7) To make rules governing the Commission's own procedures and internal operations. In carrying out these procedures the Alabama Ethics Commission shall have the power to subpoena witnesses and records, to swear witnesses and to hold hearings. It may employ the necessary staff and shall have and may exercise broad powers necessary to the discharge of its responsibilities.

- 8) To make an annual report to the Governor and Legislature, which shall be a matter of public record.

Section 6. Any citizen, member of the Legislature, state official, or employee may bring charges against any legislator, legislative employee, state official, employee, or lobbyist alleging a violation of a provision of one of the codes of ethics set out in this act. The Commission shall consider a case only if a signed complaint is filed with the Commission indicating the nature of the alleged offense and certifying that the person filing the complaint agrees to appear and present testimony at a hearing to be called by the Commission. In addition, the Commission by a majority vote may decide to investigate what it considers to be a possible violation of one of the codes even though no complaint has been filed with it. In this event, the Commission itself shall file such a complaint which shall be signed by the chairman.

Any person who knowingly makes false or reckless charges against any person subject to the action of the Commission shall be guilty of perjury and, upon conviction, shall be imprisoned in the penitentiary for not less than two nor more than five years.

Proceedings before the Commission may be private or public as agreed upon by the Commission and the person accused of a violation of one of the codes. Proceedings shall be private unless the person accused requests a public hearing and this request is acceded to by the Commission. In such private proceedings a full investigation of the charges shall be made. If no violation is found the case shall be closed without the Commission making public the fact that a hearing has been held. Any such person accused shall have the right to request that the Commission make public the fact that an inquiry has been held and that the person accused has been cleared of the charges against him. If such a request is made it shall be granted by the Commission.

In all hearings, public or private, any person charged with a violation of a provision of one of the codes shall be given the fullest possible measure of procedural due process. Such due process shall include, but not be limited to, the following: (1) the right to charges in writing at least 10 days before the hearing; (2) the right to a prompt hearing once charges have been filed and transmitted to the accused; (3) the right to be represented by counsel; (4) the right to call witnesses and present other evidence; and (5) the right of confrontation including the right of cross examination of witnesses.

The disclosure of a pending inquiry by members of the Alabama Ethics Commission, its staff, or any other person unless authorized by the Commission shall be punishable as a criminal offense.

VI. PENALTIES

Section 1. After the Commission has completed its hearing on an alleged violation, it shall have the following available courses of action:

A. If the person violating the code is a legislator, a full report of the Commission shall be made public and transmitted to the presiding officer of the house of which such legislator is a member with a recommendation as to the appropriate action to be taken. Nothing in this act shall be deemed to abridge or modify the power of either house to judge of the qualifications of its members, or to give the Commission power to expel a member of the Legislature. It may, however, request prompt action by the appropriate house in an investigation of the charges in accordance with the rules of the house involved.

If any criminal action is found, the Commission shall transmit its findings to the district attorney of the judicial circuit in which such action took place. If the legislator is a member of a profession or occupation licensed by the State, the Commission shall also send a copy of its findings to the regulatory or licensing body having jurisdiction over the profession or occupation in which the legislator engages.

B. If the person against whom charges are sustained is an elected official, the findings shall be made public and a copy thereof shall be filed promptly with the Attorney General with a request that he take immediate, appropriate action in the matter.

C. If the person against whom charges are sustained is a merit system employee, the rules of the merit system shall be followed before the employee is reprimanded, suspended or dismissed. In each such case, the Commission's findings shall be made public and copies thereof shall be sent to the head of the employing department or agency and to the State Personnel Director for transmittal to the State

Personnel Board. Findings of a violation of the code of ethics for state employees shall be adequate grounds for disciplinary action including dismissal of the employee.

D. If the person against whom charges are sustained is a lobbyist, the findings of the Commission shall be made public and a copy thereof sent to the district attorney of the judicial circuit in which the violation occurred. The district attorney shall proceed as in other criminal cases to bring action against the person accused of a violation of the code of ethics.

E. In any of the cases cited in this act, the Commission shall have broad discretionary power to judge of the circumstances under which any violation of the code of ethics occurred, and may, if it deems appropriate, permit the violator to have an opportunity to correct the situation before taking further steps. In any such case, the Commission may hold the matter in obedience pending a report on the outcome of the action taken by the person violating any provision of the ethics code.

Section 2. Any person who violates any provision of this act, the punishment for which is not otherwise prescribed by law, shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine of not more than \$1,000, or imprisoned for not more than one year or by both fine and imprisonment.

PART VII. AGENDA OF COMMISSION

The Commission shall establish an agenda for the investigation and in depth study of the conduct of ethical matters pertaining to the following:

1. The need of a further study of local government processes, officials and employees, including consideration as to the advisability of having a public auditing agency examine the financial affairs of municipalities.

2. The question of the adequacy of public representation on regulatory boards and commissions so as best to protect the public interests as well as the legitimate rights of the activity regulated.

3. The problem of the adequacy of the staff of those agencies having regulatory and supervisory functions so as to guard against unethical practices and particularly to keep up-to-date audits that will eliminate the possibility of the statutes of limitation having run prior to the detection of violations of law.

4. The problem involved in the sale or use of state money or property, including but not limited to the sale of used machinery or equipment, the deposit of state funds in banks and the study of sound competitive bid practices relating to the use and deposit of these funds.

5. The need for an administrative procedures act for Alabama setting out provisions for the guidance of agencies, boards and commissions which make decisions affecting the rights of individuals, groups, business concerns and the general public; and to make an in-depth study necessary for the framing of comprehensive legislation to meet such need.

6. The question of the need for a compulsory retirement age for judges and the need to provide for retirement because of the incapacity of a judge to perform his duties prior to reaching any specified mandatory retirement age, such question to be studied in conjunction with provisions of the Constitution prohibiting a retirement system for judges.

7. The question of the desirability of establishing minimal qualifications for state, county and municipal judges.

8. The need for eliminating possible inherent conflicts of interest in the inferior courts, including a detailed study leading to recommendations for a solution through the establishment of a uniform system of inferior courts.

9. The question of the inadequacy of the present system of the selection and tenure of judges in Alabama, a further study of alternate plans for selection and tenure of judges in other states, including a most careful consideration of such revisions of the Constitution and the Code that would be required in the adoption of an improved system.

10. The question of an in-depth study of the election laws of the State of Alabama, with particular reference to those dealing with political contributions and expenditures. Among the problems to be explored further are: a) the items which must be reported in the listing of a candidate's expenditures; b) the setting of realistic limits for expenditures; c) the high cost of campaigning and the possibility of using educational television and community service programs of television cable companies by political candidates as a possible solution; d) and the possibility that the state should bear some of the costs of political campaigning by the publication of certain information as a public service.

11. The possibility of a further expansion of the merit system with a view to including employees of state agencies, not now fully covered by the system, if feasible, so as to promote fairness and equality in the selection and promotion of employees and to provide for the restriction of political activity and the reduction of political pressure on employees.

12. The competitive bid laws of the state should be carefully studied with the goal in mind of eliminating political considerations in the operation of such laws.

PART VIII. APPLICATION OF ACT

As it is the intent of the Legislature to establish a separate Commission on Judicial Ethics and to empower the Supreme Court of Alabama to promulgate Canons of Judicial Ethics applicable to all officials and employees in the judicial branch of state government by a Constitutional Amendment, such officials and employees are specifically exempt from the provisions of this act.

PART IX. SEVERABILITY

The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

PART X. REPEALER

All laws or parts of laws which conflict with this act are repealed.

PART XI. EFFECTIVE DATE

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Foshee moved that said substitute be laid on the table, which motion was lost.

Yeas 13; Nays 16.

Yeas:

Messrs.:	Dozier	Hammond	Malone	
Branyon	Fine	Horne	Owen	
Clark	Foshee	Littleton	Pelham	
Cooper	Givhan			—13

Nays:

Messrs.:	Gilmore	King	Pierce	
Bailes	Harris	Lybrand	Register	
Carr	Hawkins	McLain	Vacca	
Cook	Jones	Noonan	Weaver	
Dominick				—16

The question recurred in the substitute offered by Mr. Cook for the Bill, S. B. 214.

Mr. Bailes offered the following amendment to the substitute for the Bill, S. B. 214, to-wit:

AMENDMENT TO COOK SUBSTITUTE FOR S. B. 214

Strike out Part X and insert in lieu thereof:

"Part X. Repealer

The provisions of this Act do not in any way repeal or affect the provisions of Section 5 contained in Act No. 191, Acts of 1919 (H. B. 550), Page 189, and do not affect those designated therein, otherwise all laws or parts of laws which conflict with this Act are repealed."

Which was adopted.

And the substitute, as thus amended, for the Bill, S. B. 214, was then adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Noonan	
Bailes	Fine	Jones	Owen	
Branyon	Foshee	King	Pelham	
Carr	Gilmore	Littleton	Pierce	
Clark	Givhan	Lybrand	Register	
Cook	Hammond	McLain	Vacca	
Cooper	Harris	Malone	Weaver	
Dominick	Hawkins			—29

Nays:

—0

And said Bill, S. B. 214, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Cook	Foshee	Hawkins
Bailes	Cooper	Gilmore	Horne
Branyon	Dominick	Givhan	Jones
Carr	Dozier	Hammond	King
Clark	Fine	Harris	Littleton

Ivbrand	Noonan	Pierce	Weaver	
McLain	Owen	Register	Wilson	
Malone	Pelham	Vacca		—30
Nays:				—0

Mr. Cook moved that the Senate reconsider the vote by which the Bill, S. B. 214, was passed and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 54. To amend Section 7 of Act No. 993 (H. 1089) enacted at the 1971 regular session of the Legislature of Alabama, applicable to any county having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census, so as to provide for the appointment by the governing body of the principal municipality in such county of two (2) Directors for the county transit authority provided for by said Act, and to provide for the appointment of one director of such Authority by the members of the Alabama Legislature from such county, and to provide for the initial terms of office of such Directors.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 170. Relating to highways; to control and regulate the erection and maintenance of outdoor advertising devices or signs on lands adjacent to the Federal-Aid Primary System and the National System of Interstate and Defense Highways in Alabama; to provide compensation for removal or relocation of advertising devices; to define terms; to issue permits and collect fees therefore; to provide for violations and penalties; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; to provide how this Act may be cited; and to provide a severability clause.

was taken up.

Mr. Harris offered the following amendment to the Bill, S. B. 170, to-wit:

AMENDMENT TO S. B. 170

1. Amend Section V(C)(3) by adding the letter and punctuation "E," following "C," and preceding "of Section IV" in the second line thereof.

2. Add a new Section XVIII and renumber present Sections XVIII to XIX, XIX to XX, and XX to XXI, which new Section XVIII is as follows:

The provisions of Sections X and XI shall not be applicable to signs of less than one square foot in area, excluding the support, erected by a public utility to mark the location of any buried telephone cable, electric power line, gas line, waterline, or other underground public utility facility, for the protection of the facilities of the public utility.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Owen	
Bailes	Foshee	King	Pelham	
Branyon	Gilmore	Littleton	Pierce	
Carr	Givhan	Lybrand	Register	
Clark	Hammond	McLain	Vacca	
Cook	Harris	Malone	Weaver	
Dominick	Hawkins	Noonan	Wilson	
Dozier	Horne			—29

Nays:

—0

Mr. Cook offered the following amendment to the Bill, S. B. 170, as amended, to-wit:

AMENDMENT TO S. B. 170

Amend Senate Bill 170 Section IX a. by adding the following:

"Provided, however, that any sign, display or device lawfully in existence along the Interstate System or the Federal-aid Primary system on the effective date of this act, which is not in conformity with the provisions contained herein, shall not be required to be removed until just compensation has been paid therefor. Notwithstanding any other provision of this act, no sign, display or device otherwise required to be removed under this act for which just compensation is authorized to be paid by the Director shall be required to be removed if the Federal share of at least 75% of the just compensation to be paid upon removal of such sign, device or display is not available for such payment."

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Foshee	Jones	Owen	
Bailes	Gilmore	King	Pierce	
Branyon	Givhan	Littleton	Register	
Cook	Hammond	Lybrand	Vacca	
Dozier	Harris	Malone	Weaver	
Fine	Hawkins	Noonan	Wilson	

—23

Nay: Mr. Dominick

—1

And said Bill, S. B. 170, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Foshee	Jones	Owen	
Bailes	Gilmore	King	Pelham	
Branyon	Givhan	Littleton	Pierce	
Clark	Hammond	Lybrand	Vacca	
Cook	Harris	McLain	Weaver	
Dominick	Hawkins	Malone	Wilson	
Dozier	Horne	Noonan		—26

Nays: —0

MOTION TO ADJOURN LOST

At 6:20 P. M., Mr. McLain moved that the Senate adjourn until Wednesday, February 2, 1972, at 1 o'clock P. M., which motion was lost.

Yeas 12; Nays 16.

Yeas:

Messrs.:	Gilmore	King	Malone	
Bailes	Hammond	Littleton	Pierce	
Carr	Jones	McLain	Vacca	
Fine				—12

Nays:

Messrs.:	Dozier	Hawkins	Pelham	
Branyon	Foshee	Lybrand	Register	
Clark	Givhan	Noonan	Weaver	
Cook	Harris	Owen	Wilson	
Dominick				—16

BILLS ON THIRD READING RESUMED

The Bill:

S. 169. To amend Section 8 of Act No. 159, S. 289, Regular Session, 1969 (Acts of Alabama 1969, Page 442) Approved July 10, 1969, entitled "An Act" Relating to displacement of individuals, families, farm operations, businesses and non-profit organizations; providing that payments may be made to them as a result of moving from their home, farm, or business due to acquisition of their property for highway construction purposes; providing that relocation moving payments be considered a part of highway construction; providing that the highway department may provide a relocation advisory assistance program in keeping with this Act; providing optional modes of payment to those displaced and covered under this Act; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; authorizing the Highway Director to adopt applicable federal rules and regulations to implement this Act and to comply with the relocation assistant provisions of the Federal-Aid Highway Act of 1968, and subsequent Federal Acts related thereto; repealing Section 39(2), Title 23, Code of Alabama 1940, recompiled 1958; to provide how this Act may be cited; and to provide a severability clause.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Pierce	
Bailes	Foshee	King	Register	
Branyon	Gilmore	Littleton	Vacca	
Clark	Givhan	Lybrand	Weaver	
Cook	Hammond	Noonan	Wilder	
Dominick	Hawkins	Owen	Wilson	
Dozier	Horne	Pelham		—26

Nays:

—0

The Bill:

S. 198. To authorize the State Treasurer to withdraw from capital outlay funds the unexpended balance from the sum appropriated for such purposes, to Mt. Meigs Industrial School by Act No. 761, H. 622, Regular Session 1969, and to appropriate said balance to the school for operation and maintenance.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas.

Messrs.:	Fine	Jones	Pelham	
Bailes	Foshee	King	Pierce	
Branyon	Gilmore	Littleton	Register	
Carr	Givhan	Lybrand	Vacca	
Clark	Hammond	McLain	Weaver	
Cook	Hawkins	Noonan	Wilder	
Dominick	Horne	Owen	Wilson	
Dozier				—28

Nays:

—0

The Bill:

H. 265. To make appropriations from the Alabama Special Education Trust Fund in the State Treasury for the use and benefit of the Alabama Industrial School, Mt. Meigs, Alabama.

was taken up.

Mr. Lybrand requested that the Bill, H. B. 265, be re-referred, under Senate Rule 50, to the Standing Committee on Finance and Taxation.

The President and Presiding Officer then ordered said Bill, H. B. 265, removed from the Calendar and re-referred to the Standing Committee on Finance and Taxation.

The Bill:

H. 116. To make additional appropriations to the Department of Public Safety.

was again taken up.

Mr. Carr offered the following substitute for the Bill, H. B. 116, to-wit:

SUBSTITUTE FOR H. B. 116

A BILL
TO BE ENTITLED
AN ACT

To make additional conditional appropriations to the Department of Public Safety.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made to the Department of Public Safety there is hereby appropriated from the state general fund for each of the fiscal years ending September 30, 1972 and September 30, 1973, the sum of \$1,250,000.

Section 2. The above appropriations are made subject to the following terms and conditions, viz:

(a) Said appropriations are conditional upon the condition of the state general fund and shall be paid only with the approval of the Governor.

(b) The first expenditures from said appropriation shall be used to effect an additional one-step pay raise for all state troopers, state trooper corporals, sergeants, lieutenants, captains and majors. Said one-step additional pay raise shall specifically be in addition to any merit system pay raises due the said state troopers and state trooper officers.

(c) The remainder of said appropriation shall be used for salaries, other expenses, equipment purchases and automotive equipment purchases.

(d) Any additional state troopers employed with the proceeds of this money shall be employed without regard to race, color, or creed.

(e) None of the appropriations herein made, or heretofore made in the general fund appropriation act for the fiscal years ending September 30, 1972 and September 30, 1973 may be used to pay salaries or expenses of any state trooper outside the boundaries of the State of Alabama except in the performance of official and lawful state business.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Fine	Horne	Owen
Bailes	Foshee	Jones	Pierce
Carr	Gilmore	King	Register
Clark	Givhan	Littleton	Vacca
Cook	Hammond	McLain	Wilder
Dominick	Harris	Noonan	Wilson
Dozier	Hawkins		

—25

Nay: Mr. Branyon

—1

Mr. Dozier offered the following amendment to the Bill, H. B. 116, as amended by the substitute, to-wit:

AMENDMENT TO H. B. 116 AS AMENDED

After each reference to State Trooper insert the words "radio operators, and communication workers employed by the Department of Public Safety."

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Fine	Horne	Pelham	
Bailes	Foshee	Jones	Pierce	
Branyon	Gilmore	King	Register	
Carr	Givhan	Littleton	Vacca	
Clark	Hammond	Lybrand	Weaver	
Cook	Harris	McLain	Wilder	
Dominick	Hawkins	Noonan	Wilson	
Dozier				—28

Nays: —0

And said Bill, H. B. 116, as thus amended, was then read a third time at length and passed.

Yeas 29; Nays 1.

Yeas:

Messrs.:	Fine	Jones	Pelham	
Bailes	Foshee	King	Pierce	
Branyon	Gilmore	Littleton	Register	
Carr	Givhan	Lybrand	Vacca	
Clark	Hammond	McLain	Weaver	
Cook	Harris	Noonan	Wilder	
Cooper	Hawkins	Owen	Wilson	
Dozier	Horne			—29

Nays: Mr. Dominick —1

MOTION TO ADJOURN LOST

At 6:55 P. M., Mr. Bailes moved that the Senate adjourn until Wednesday, February 2, 1972 at 1 o'clock P. M., which motion was lost.

Yeas 10, Nays 18.

Yeas:

Messrs.:	Cook	Fine	Littleton	
Bailes	Dominick	Foshee	Wilder	
Carr	Dozier	Gilmore		—10

Nays:

Messrs.:	Harris	Lybrand	Pierce	
Branyon	Hawkins	McLain	Register	
Clark	Horne	Noonan	Weaver	
Givhan	Jones	Owen	Wilson	
Hammond	King	Pelham		—18

RECESS

At 6:57 P. M., on motion of Mr. Wilson, the Senate took a recess for ten minutes.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

ADJOURNMENT

At 7:10 P. M., on motion of Mr. Wilder, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, February 2, 1972, at 2 o'clock P. M.

TWENTY-FOURTH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 2, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Mr. Philip Black, Minister, Highland Church of Christ at Carriage Hills, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	Jones	Pelham
Bailes	Fine	King	Pierce
Branyon	Foshee	Lindsey	Register
Carr	Gilmore	Littleton	Shelby
Clark	Givhan	Lybrand	Vacca
Cook	Hammond	McLain	Weaver
Cooper	Harris	Noonan	Wilder
Dominick	Hawkins	O'Bannon	Wilson
Dozier	Horne	Owen	

—34

JOURNAL

On motion of Mr. Pelham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Twenty-third Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Pelham, leave of absence was granted Mr. Malone for today.

POINT OF PERSONAL PRIVILEGE

Mr. Wilder requested and received unanimous consent to have the names of Messrs. Lindsey and Dominick added as co-sponsors of the Bill, S. B. 212.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. B. 214. To provide a code of ethics for the executive and legislative branches of state government and for all state officials and employees therein, and for lobbyists; to establish the Alabama Ethics Commission as a permanent agency of state government, to provide for the appointment and terms of its members, and to prescribe its authority, duties and procedure; to define terms; to prescribe penalties for violations of this code of ethics; and to exclude officials and employees of the judicial branch of state government from the provisions of this act.

JAMES S. CLARK,
Chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 71. NAMING THE ELBA AIRPORT "THE CARL FOLSOM AIRPORT".

Also:

H. J. R. 72. Mourning the death of Representative George Andrews.

Also:

H. J. R. 80. Commending the City of Sumiton, the City Council, the Mayor and the citizenry for the dedication of their new Municipal Building.

Also:

H. J. R. 81. Mourning the death of Henry Ward McMillan.

Also:

H. J. R. 82. Mourning the death of Geddes Self, Sr.

Also:

H. J. R. 83. Mourning the death of Murray Chesley Argo, Sr.

Also:

H. J. R. 84. Commending Edgar Allan Poe upon his election as President of the Gridiron Club.

Also:

H. J. R. 89. Mourning the death of John Ed. Wallis.

Also:

H. J. R. 93. Mourning the death of Corbin Hardaway, Jr.

Also:

H. J. R. 94. Mourning the death of Oscar "Pop" McIntosh Spencer.

Also:

H. J. R. 95. Mourning the death of Robert Horton Rutland, Jr.

Also:

H. J. R. 97. Honoring Dr. Alston Callahan for services and outstanding work done in Birmingham, Alabama.

Also:

H. J. R. 101. Commending Trooper Lynn A. Wright for winning the "Trooper of the Year" award for 1971.

Also:

H. J. R. 110. Congratulating Jack Palmer for winning the National Punt, Pass and Kick Contest.

Also:

H. J. R. 116. Congratulating John "Bubber" Trotman for his election as President of the American National Cattlemen's Association.

Also:

H. J. R. 118. Congratulating Mike Braswell for winning the National Punt, Pass and Kick Contest.

Also:

H. J. R. 122. Commending Lee Roy Jordan for his outstanding performance in the Super Bowl.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 197. Relating to counties having a population of not less than 22,575 nor more than 23,800 according to the most recent federal decennial census; permitting the county governing body to employ an additional deputy sheriff.

Also:

H. 210. To amend Sections 1 and 2 of Act No. 175, H. 460, Regular Session 1965, (Acts 1965, p. 246), which provides for an increase in the compensation of the coroner and deputy coroner of certain counties classified on a population basis.

Also:

H. 211. To amend Act No. 583, H. 1479, Regular Session 1971, entitled "An Act To provide for an expense allowance for the Tax Assessor, Tax Collector, Probate Judge, Circuit Court Clerk, Chairman of the County Commission, Judge of County Court and Register in Equity, Judge of Juvenile Court, Commissioner of Licenses, and Associate Commissioners in all counties having populations not less than 95,000 nor more than 115,000 according to the most recent federal decennial census," amending the title and Section 2 of such Act so as to delete from the enumeration of the officers entitled to the expense allowance thereby provided the judge of the county court and to provide for the payment of travel expenses outside the county on county business in addition to the prescribed expense allowances.

Also:

H. 221. To amend Sections 2, 3, 4 and 9 of Act No. 56, H. 377, Regular Session 1971, which Act created an inferior court for Lawrence County, by revising the jurisdiction, costs, and certain procedures of said court; and by revising the qualifications of the judge, the method of his appointment and his salary.

Also:

H. 220. Relating to Lamar County, providing further for the election of the members of the governing body of said county.

Also:

H. 195. Relating to counties having a population of not less than 26,725 nor more than 27,250, according to the most recent federal decennial census, to authorize the county commission of such counties to appropriate an amount not to exceed \$5,200 out of the general fund for the relief of Walter L. Nelson.

Also:

H. 217. To alter and re-arrange the boundary lines of the town of Ragland, Alabama so as to include within the corporate limits of said town, all territory now within such corporate limits and all certain other territory in St. Clair County, contiguous to said town.

Also:

H. 229. To amend Act No. 1734, H. 2563, Regular Session 1971, approved September 17, 1971, which provides for juries composed of six

members for trial of certain cases in the DeKalb County Court, so as to provide further for the minimum number of jurors on the list from which the six-man jury is to be struck.

Also:

H. 215. Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provision of the act; repealing all laws or parts of laws inconsistent with the provisions hereof.

Also:

H. 189. To provide additional compensation for members of the Board of Registrars in all counties of this state having a population of 500,000 or more according to the most recent or any subsequent federal decennial census.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 253. Relating to Solicitor's or District Attorney's funds in judicial circuits consisting of one county and one county having not less than 175,000 nor more than 300,000 according to the most recent federal decennial census.

Also:

H. 254. To apply only in counties having a population not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; fixing and providing for a uniform and clothing allowance for deputies and members of the sheriff's force of such counties.

Also:

H. 255. To apply only to counties having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws.

Also:

H. 256. To authorize and create an additional judge of the Madison County Court and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other judge of the Madison County Court, to provide for the designation of each of the two positions of the judges of the Madison County Court by number and to provide for the salary of the additional judge.

Also:

H. 262. To authorize the county boards of education in all counties having populations of not less than 26,725 nor more than 27,250, according to the last or any subsequent federal decennial census, to furnish certain supplies and services, used for educational purposes, heretofore furnished by the county commission and relieving the county commissioners of the responsibility of furnishing such supplies and services.

Also:

H. 264. Relating to counties having a population of not less than 56,500 nor more than 59,000, according to the most recent federal decennial census; to authorize the county governing body to appropriate and use certain county funds and to designate and use certain county property, buildings and facilities in order to qualify for and receive federal assistance under the Federal Economic Opportunity Act of 1964.

Also:

H. 224. Relating to all counties having a population of not less than 56,500 nor more than 59,000 according to the most recent federal decennial census, to provide for the regulation of parking on property of such counties around the county courthouse; to set a time limit for motor vehicles to be parked; to regulate parking of vehicles blocking driveways for unreasonable periods; to prohibit blocking of other vehicles lawfully parked and to prohibit parking in unauthorized places; and to authorize the sheriff and such persons as he may deputize, to enforce the provisions of this Act.

Also:

H. 252. Proposing an amendment to the Constitution of Alabama authorizing the Legislature to provide by local law the manner in which applications for registration to vote in Madison County shall be made.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 357. To provide for the qualifications of the superintendent of education in any county having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to make the provisions of this Act retroactive to September 1, 1971.

Also:

H. 358. To regulate the compensation of county superintendents of education in counties having populations of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to make the provisions of this Act retroactive to September 1, 1971.

Also:

H. 364. To repeal Act No. 1389 of the 1971 Regular Session relating to counties having a population of between 175,000 and 300,000 persons according to the last Federal Decennial Census.

Also:

H. 213. Relating to the financing of sanitary sewers in each county having a population of 600,000 or more according to the last or any subsequent federal decennial census; to authorize any such county to sell and issue from time to time its interest-bearing warrants for the purpose of obtaining funds to finance the cost of acquiring or providing sanitary sewer facilities for the collection, transmission, treatment and disposal of sewage; to provide that such warrants shall evidence the general obligation indebtedness of any such county; to provide that such warrants may, at the discretion of the governing body of any such county, be additionally secured by a pledge or pledges of the revenues from such facilities, or the proceeds from certain taxes, or both such revenues and such taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to authorize any such county to enter into the undertakings and to assume the obligations permitted by Act No. 42 enacted at the 1971 Regular Session of the Legislature; to provide that the issuance of any warrants and the interest coupons applicable thereto or the execution of any contract pursuant to the said Act No. 42 shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof; to exempt such warrants and contracts from the provisions of Chapters 6 and 8 of Title 12 of the Code of Alabama of 1940, as amended; and to provide for the severability of the provisions of this Act.

Also:

H. 280. To repeal Act No. 1267, H. 1658, approved September 17, 1971, Regular Session 1971, entitled, "An act relating to Cullman County; providing an additional expense allowance to the Judge of the Inferior Court or Intermediate Court."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 350. Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the District Attorney in such counties.

Also:

H. 349. Relating to counties having populations of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census, to provide an expense allowance for the Probate Judge in such counties.

Also:

H. 348. To provide expense allowance for the Court Reporter of the Thirty Second Judicial Circuit.

Also:

H. 201. To authorize and permit grocery stores to remain open on Sunday in each County in the State having a population of not less than 50,000 and not more than 52,500 inhabitants according to the last or any succeeding Federal Census, provided any such grocery store does not have on duty in such stores more than two employees at any one time on Sunday, and further provided that said grocery store does not exceed 3,500 square feet of floor space, and to provide licensing such grocery stores by the license issuing officers of such County; authorizing the State to enjoin grocery stores remaining open on Sunday contrary to this Act.

Also:

H. 237. To provide an allowance to the Judge of the Second Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

Also:

H. 279. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants, according to the last or any subsequent federal decennial census; to provide an additional allowance for all salaried deputies of such counties.

Also:

H. 293. Relating to counties having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census; to authorize the county governing body to provide protection against forest fires within the county and to assess the whole or part of the cost thereof, within a prescribed limit, against forest lands within the county; and prescribing the procedure for levying and collecting such assessments.

Also:

H. 309. Relating to all counties having a population of not less than 12,000 nor more than 12,800 according to the most recent federal decennial census; to provide further for the pay of the coroner.

Also:

H. 311. To increase the Director's fees of Boards operating public utility corporations in municipalities having a population of not less than 6,836, nor more than 6,907.

Also:

H. 310. Relating to counties having populations of not less than 27,000 nor more than 27,900, according to the most recent federal decennial census, whose roads and bridges are constructed and maintained by the State Highway Department, forbidding the judge of probate to remit certain funds to the State Highway Department.

Also:

H. 319. To amend further Act No. 437, H. 774, Regular Session 1969 (Acts 1969, p. 864), which Act provides for the incorporation, management, authorization, and operation of an authority to provide installations for the amusement, entertainment, recreation, and cultural development of the citizens of certain counties classified on a population basis, amending such Act in relation to the powers of the board of directors of the authority relative to the handling of funds of the authority.

Also:

H. 315. To authorize the sheriff of Chilton County to collect and retain the fees and allowances prescribed by law for feeding prisoners.

Also:

H. 317. Relating to counties having a population of not less than 25,150 nor more than 26,500 according to the most recent federal decennial census; to provide compensation for members of the county hospital board.

Also:

H. 325. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; to repeal any Act relating to such counties numbered Act No. 1267, H. 1658, approved September 17, 1971, Regular Session 1971.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and sends same herewith to the Senate:

S. 159. To make a conditional supplemental appropriation from the Special Educational Trust Fund to the Speech and Hearing Center

at the University of Montevallo for the fiscal years ending September 30, 1972 and September 30, 1973.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 157. To amend Section 713, Title 7, Code of Alabama 1940 as last amended, to allow legal advertisement in any newspaper regardless of where such newspaper is printed; and requiring such newspapers to be published for at least fifty-one weeks a year.

Also:

S. 117. To Amend Act No. 2, (Second Special Session) 1971. So as to change the appropriation made in Section 2, F (23) (e) thereof.

Also:

S. 125. To amend Act No. 407, H. 198 of the Regular Session of 1971, which establishes general qualifications for licensees as insurance agents, brokers and solicitors, so as to provide that the residence and domiciliary requirement may be waived if the applicant for a license is a bona fide resident of and maintains an established office in a populous community lying partly in Alabama and partly in an adjoining state, which is composed of two or more contiguous cities, towns, or villages not completely separated by a natural boundary.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hardin and Bassett:

H. 413. Relating to counties having a population of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census; authorizing the county commission, at its discretion, to provide an additional expense allowance of \$10.00 per meeting for each member of the board of registrars, board of equalization and jury commission.

Also:

By Messrs. Turnham and Brassell:

H. 414. To amend the title and Section 1 of Act No. 1626, H. 2235, Regular Session 1971, approved September 17, 1971, relating to a sheriff allowance for feeding prisoners in counties having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census so as to eliminate the sheriff fees and allowances for transporting insane and juvenile prisoners.

Also:

By Messrs. Turnham and Brassell:

H. 415. Relating to counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent federal decennial census; to provide for the distribution of fines and forfeitures in certain cases.

Also:

By Mr. Owens:

H. 436. Relating to counties having a population of not less than 15,650 nor more than 16,200, according to the most recent federal decennial census; providing for the election of the associate members of the county governing body.

Also:

By Messrs. Lutz, King and Grainger:

H. 416. Providing for the election of a president and vice president of the city board of education to such boards in cities having a population of not less than 135,000 nor more than 180,000 according to the last or any subsequent federal decennial census.

Also:

By Mr. Williams:

H. 378. To provide a full time Deputy District Attorney for the District Attorney of the Ninth Judicial Circuit of Alabama and to fix his duties and salary.

Also:

By Mr. Cottingham:

H. 408. To apply only in counties having populations of not less than 54,500 nor more than 56,000; according to the most recent federal decennial census; providing for payment of highway lighting out of the Public Highway and Traffic Fund in such counties.

Also:

By Mr. Reed (T):

H. 352. Relating to counties having populations of not less than 11,500 nor more than 12,500, according to the most recent federal decennial census; providing an expense allowance and certain additional compensation for the coroner of such counties.

Also:

By Messrs. Stewart, Merrill and Burgess:

H. 418. To apply only in counties having populations of not less than 100,000 nor more than 115,000; regulating the compensation of bailiffs serving the circuit courts of such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 413, 414, 415, 436, 416, 408, 352 and 418. To the Committee on Local Legislation No. 1.

H. B. 378. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McCorquodale:

H. 314. To alter, extend and add to the limits of the Town of McIntosh in Washington County, Alabama so as to include within the corporate limits of said Town certain other territory in Washington County, Alabama contiguous to said Town and to describe the area so added to the said limits of the Town of McIntosh.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at each special session of the Legislature of Alabama which may be called by the Governor prior to the next regular session, and at each such special session application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, extend and add to the limits of the Town of McIntosh in Washington County, Alabama so as to include within the corporate limits of said Town certain other territory in Washington County, Alabama contiguous to said Town and to describe the area so added to the said limits of the Town of McIntosh.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of McIntosh, Washington County, Alabama, be, and the same are hereby altered, extended and rearranged so as to include within the corporate limits of said Town the following described territory, to-wit:

Section 37 Township N Range R1 East Washington County, Alabama.

Section 37 NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and SE $\frac{1}{4}$, NE $\frac{1}{4}$.

Section 36 Township 4 N Range 1 East S $\frac{1}{4}$ of SE $\frac{1}{4}$.

Section 38 Township 4 N Range 1 East.

Section 35 Township 4 N Range 1 East S $\frac{1}{2}$ of the SW $\frac{1}{4}$.

Section 40, Township 4 Range 1 East, W $\frac{1}{2}$ of the W $\frac{1}{2}$.

Section 28, 3 N 1 East All North of River Road.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
WASHINGTON COUNTY

I, Dalton Jackson, Publisher of the Call-News Dispatch, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the A Bill To Be Entitled An Act, legal, as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement, thereof, for four consecutive weeks, commencing with the issue dated December 2, 1971, and ending with the issue date December 23, 1971, I further certify that I have the right and authority to make this affidavit.

DALTON JACKSON.

Sworn to and subscribed before me on this, the 29th day December, 1971.

ANNETTE R. BAXTER,
Notary Public.

My Commission Expires 8/23/73.

Also:

By Mr. Stubbs:

H. 390. Relating to counties having populations of not less than 36,500 nor more than 39,200; establishing the office of warrant clerk in each commissioners district in such county; and to provide for their appointment, tenure and compensation.

Also:

By Mr. Lang:

H. 392. To amend further the title and Section 1 of Act No. 8, H. 95, Special Session 1969 (Acts 1969, p. 21), as amended, which act provides for additional meetings of the county commission and for additional compensation and expense allowances for the members of said body, including the chairman or presiding judge of certain counties classified on a population basis.

Also:

By Mr. Reid (R):

H. 398. Relating to counties having a population of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to provide that the county commission may provide, by unanimous vote, an additional expense allowance to members of the county commission.

Also:

By Mr. Casey:

H. 404. Relating to counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits by the sheriff; providing for deposit of fees in a Sheriff's Fund and providing for the use of such fund.

Also:

By Mr. Kinsey:

H. 400. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Baldwin County to the list of counties to which the Act does not apply.

Also:

By Mr. O'Daniel:

H. 407. To amend Act No. 51, H. 55 of the Third Special Session of 1971, approved December 13, 1971, entitled "An Act, Relating to all counties having a population of not less than 30,000 nor more than 33,575; to provide further for the expenditure of pistol permit fees by the sheriff of such counties; to make the provisions of this Act retroactive."

Also:

By Messrs. Merrill and Stewart:

H. 351. To create and define the offense of shoplifting and to provide the punishment therefor; to create presumptions arising out of the concealment of goods held for sale by merchants; to authorize the detention, under certain circumstances, of persons concealing such goods; to exempt merchants and other persons from civil or criminal liability in certain cases; and for related purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 314, 390, 392, 398, 404, 400 and 407. To the Committee on Local Legislation No. 1.

H. B. 351. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Turner, Williams and Connell:

H. 284. Relating to taxation: Exempting nuclear fuel assemblies together with the nuclear materials contained therein and all reprocessed, recycled or residual nuclear fuel by-products, fissionable or otherwise used or useful in the production of electricity by persons regularly engaged in furnishing electricity to any person or persons from state, county and municipal taxes, licenses, fees and excises.

Also:

By Messrs. Pruitt, Jackson and Manley:

H. 259. To amend Section 89, Title 36, Code of Alabama 1940 as amended, relating to size and weight of vehicles and loads, so as to increase the permissible width of certain vehicles to eight feet, ten inches.

Also:

By Messrs. Mims, Warren and Wood:

H. 274. To further amend Section 1 of Act No. 534, General Acts 1943, page 508, entitled "An Act to provide for deductions from penitentiary and hard labor sentences for good conduct;" to repeal Act No. 481, Acts of Alabama 1953, page 600, entitled "To provide for additional deductions from penitentiary and hard labor sentences as incentive to extra production" and to repeal all laws in conflict.

Also:

By Messrs. Mims, Warren and Wood:

H. 276. To amend Code of Alabama 1940, Title 42, Section 7, so as to allow a parolee to be discharged from parole with credit for good conduct and faithful performance of duties while on parole.

Also:

By Messrs. Lyons, Doss, Gloor and McBride:

H. 246. To amend further Section 1 of Act No. 47, Special Session 1961, (Acts 1961, p. 1904) as amended, which Act exempts certain religious, benevolent and civic institutions and organizations from taxation and licenses, so as to grant exemptions to St. Martin's in the Pines and the Alabama Heart Association.

Also:

By Mr. Owens:

H. 225. To amend Section 2 and Section 9 of Act No. 1516, Regular Session, 1971, so as to appropriate the fees received in Section 9.

Also:

By Mr. Owens:

H. 226. To amend Act No. 1590, Regular Session, 1971, so as to appropriate the fees received in Section 2.

Also:

By Mr. Owens:

H. 227. To amend Act No. 1594, Regular Session, 1971, so as to appropriate the fees received in Section 4 and Section 13 therein.

Also:

By Messrs. Lutz, Grainger, Hearn and King:

H. 251. To amend further Section 114, Title 22, Code of Alabama 1940, which relate to protection of the public against rabies .

Also:

By Messrs. Cherner and Hill:

H. 324. Defining, regulating, and providing for the licensing of employment agencies; providing for the revocation and suspension of licenses subject to appeal; requiring the attorney general to enforce and administer this Act and defining his powers and duties relative thereto; creating and providing for the appointment, term, duties and compensation of an advisory board on licensing of employment agencies to assist the attorney general in administering this Act; prescribing penalties; and repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 284 and 259. To the Committee on Commerce, Transportation and Common Carriers.

H. B.'s 274, 276 and 324. To the Committee on Judiciary.

H. B. 246. To the Committee on Finance and Taxation.

H. B.'s 225, 226, 227 and 251. To the Committee on Health.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Grainger:

H. 135. To amend Code of Alabama 1940, Title 26, Section 337, to make provisions thereof applicable to all employees.

Also:

By Mr. Grainger:

H. 136. To amend further Code of Alabama 1940, Title 30, Section 21, relating to persons on jury rolls.

Also:

By Messrs. Bowers, Dill, Boutwell, Erdreich, Ellis, Adwell, Boles, Waggoner and Jones (E):

H. 335. To amend Section 587 of Title 37, Code of Alabama, 1940, as amended, relating to appeal from Recorder's Court.

Also:

By Messrs. Warren and Mims:

H. 323. To amend Section 1 of Act No. 1099, S. 49, Regular Session 1969 (Acts 1969, p. 2035), which provides penalties for persons convicted of stealing fish from persons engaged in fish farming; providing further that the stealing of catfish shall be a felony.

Also:

By Messrs. St. John, Drake, McDonald, Cottingham and Turner:

H. 328. To amend further Sections 5 and 22 of Act No. 2485, S. 483, 1971 Regular Session, approved October 1, 1971, entitled "An Act To further amend Act No. 422 of the 1951 Regular Session of the Legislature of Alabama, as amended; to regulate through licensure the business, occupation, or calling of real estate brokers, and real estate salesmen; defining terms; creating the Alabama Real Estate Commission, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for obtaining a license to engage in such business, occupation, or calling, providing for the suspension or revocation of licenses issued; providing penalties for violations of this Act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws," so as to provide further for the qualification of licensees and to change the effective date of said Act to October 1, 1972.

Also:

By Messrs. St. John, Drake, McDonald, Cottingham and Turner:

H. 329. To appropriate \$15,000 to the Alabama Real Estate Commission for each of the fiscal years ending September 30, 1972 and September 30, 1973.

Also:

By Messrs. Stewart, Cauthen, McCluskey, Manley, Crowe, Cherner, Gray (F), Casey, Hearn, Lutz, Doss, Erdreich, King and Flippo:

H. 331. To amend § 42 of Title 46, Code of Alabama 1940, which section relates to persons who may practice as attorneys by authorizing senior law students to perform, without compensation, acts enumerated in said section.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B. 135. To the Committee on Commerce, Transportation and Common Carriers.

H. B.'s 136, 323, 328 and 331. To the Committee on Judiciary.

H. B. 329. To the Committee on Finance and Taxation.

H. B. 335. To the Committee on County Government.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Jones (F):

H. 399. To authorize and make provision for the incorporation in any municipality having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any subsequent Federal Decennial Census, of Authorities as public corporations for the purpose of promoting aviation in the counties in which such municipalities are located through the provision of airport facilities; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance airport facilities; to confer on any such Authority the power of eminent domain; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any airport facilities or other property of such Authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such securities, and by a non-foreclosable mortgage and deed of trust on the facilities or property out of the revenues from which such securities are payable; to provide for constructive notice of any such pledge of revenues; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any airport facilities, or parts thereof, acquired by such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any airport facilities or other property to any such Authority; to exempt the property and income of any such Authority and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party, from all taxation in the state; to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from certain tort liability and from certain zoning regulations; to provide that certain employees of any such Authority shall be subject to and covered by any merit or civil service system applicable to the employees of the municipality by which its incorporation was authorized; and to provide for the dissolution of any such Authority and the disposition of its property.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 399. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Grainger, Wise, Erdreich, Timmons, Wallace, Naramore, Benton, Hardin, Smith (K), Barkett, Edwards, King, Lutz, Hearn and Hale:

H. 250. To further amend Sections 4, 10 and 15 of Act No. 784, H. 316, (page 1069) Acts of Alabama 1953 Regular Session, as amended, which provides for the regulation of fresh water commercial fishing and prescribes penalties for violations of said Act.

Also:

By Mr. Carnes:

H. 198. To amend Code of Alabama, Title 30, Section 55, so as to provide that it is good ground for challenge of a juror that he has not been a resident of the county for the last preceding year.

Also:

By Messrs. Baker, Chesnut, Coshatt and Carnes:

H. 258. To further amend Act No. 288, approved July 7, 1945, (General Acts 1945, p. 478), an Act providing for appointment and designation of Supernumerary Circuit Judges.

Also:

By Messrs. McCorquodale, Mims and Agee:

H. 196. To make a supplemental appropriation to the Alabama Cooperative Wildlife Research Unit at Auburn University from the Alabama Forestry Commission Fund and the Game and Fish Fund in the State Treasury.

Also:

By Messrs. Hill and Flippo:

H. 178. Relating to licenses regarding the selling of live fish, fish eggs, minnows for wholesale and retail dealers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B. 250. To the Committee on Commerce, Transportation and Common Carriers.

H. B. 198. To the Committee on Judiciary.

H. B.'s 258 and 196. To the Committee on Finance and Taxation.

H. B. 178. To the Committee on Conservation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Jones (F), Harris, Straiton and Taylor:

H. 338. To amend further Section 2 of Act No. 470, S. 182, Regular Session 1969, (Acts 1969, v. 1, p. 912), as amended, so as to exempt persons working for institutions of higher learning which are under the control of boards of trustees from having to secure approval of the Governor for out of state travel; providing also that Alabama State University and all other institutions of higher learning which do not have a board of trustees are also included within the provisions of this Act.

Also:

By Messrs. Jones (F), Straiton, Harris and Taylor:

H. 337. To authorize the State Treasurer to withdraw from capital outlay funds the unexpended balance from the sum appropriated for such purposes, to Mt. Meigs Industrial School by Act No. 761, H. 622, Regular Session 1969, and to appropriate said balance to the school for operation and maintenance.

Also:

By Mr. Jones (F):

H. 361. To amend Act No. 698, S. 45, Regular Session 1969 (Acts 1969, p. 1252), which prohibits the exposing of obscene and harmful materials to persons eighteen years of age and older so as to exempt certain persons from the provisions of the act.

Also:

By Messrs. Mims, Warren and Wood:

H. 275. To create and establish a fund for the Board of Corrections to be used by the Commissioner of Corrections in paying certain administrative expenses in the general office and in the prisons and institutions under his supervision.

Also:

By Messrs. McCorquodale, Pruitt, Manley and Williams:

H. 312. To further amend Section 697 of Title 51 of the Code of Alabama of 1940, as heretofore amended, which relates to certain truck and truck tractor licenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 338 and 312. To the Committee on Commerce, Transportation and Common Carriers.

H. B. 337. To the Committee on Health.

H. B. 361. To the Committee on Youth and Student Activities.

H. B. 275. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Merrill:

H. 285. To provide for the control of and the procedure concerning purchases made by circuit judges of law books, equipment, robes and other materials and supplies reasonably necessary and essential for the operation of his office or court.

Also:

By Messrs. Mims, Coshatt, Warren and Wood:

H. 272. To amend Section 5 of Act No. 202, Acts of Alabama, Regular Session, 1953, as amended by Act No. 653, Acts of Alabama, Regular Session, 1965.

Also:

By Mr. Hobbie:

H. 303. To amend further Act No. 999, H. 288, Regular Session 1969, (Acts 1969, p. 1855), as amended, which Act established a retirement system for peace officers, in order to redefine certain words and terms in said Act.

Also:

By Messrs. Turner and Cottingham:

H. 393. To amend further Section 3 of Act No. 402, General Acts 1945, page 624, entitled "An Act relating to Aeronautics; providing for the promotion, encouragement, development and regulation thereof within this State; creating a State Department of Aeronautics consisting of a State Aeronautics Commission and a Director of Aeronautics; prescribing their respective duties and powers; providing for the transfer from the Alabama Aviation Commission to the Department of Aeronautics all properties, personnel and funds held by, and all matters and subjects handled by, said Aviation Commission; providing for an Aeronautics Department fund and an Airport Development Fund and making appropriations therefor; prescribing penalties and making uniform the law with reference to state development and regulation of aeronautics, as last amended.

Also:

By Messrs. Wallace, Dill, Turnham, Timmons, Burgess, Parker (H), Naramore, Crowe, Cauthen, Jones (E), Boles, Ellis, Bowers, Waggoner, Williams, Grey (D), Goodwin, Drake, Waldrop, Hearn, Hale, St. John, King, Lutz, Grainger, Gray (F), Manley, Carter, Jones (F), Cross, Robertson, Weeks, Cherner, Adwell, Boutwell, McBride, McCorquodale, Pruitt, Chesnut, Hobbie, Kensey, Smith (P), Stewart, Lang, Wynot, Mims, McCluskey, Owens, Turner, Stokes, McDonald, May, Callahan, Smith (K), Snell, Connell, Bassett, Ther-

rell, Warren, Cottingham, Harris, Edwards, Headley, Parker (T), Downing, Lyons, Easters, Taylor, Reynolds, Coshatt, Gloor, Carnes and Reed (T):

H. 380. To make a supplemental appropriation from the State General Fund to the Alabama Commission on Aging for the purpose of matching Federal Funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 285 and 380. To the Committee on Finance and Taxation.

H. B. 272. To the Committee on Judiciary.

H. B. 303. To the Committee on County Government.

H. B. 393. To the Committee on Commerce, Transportation and Common Carriers.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Lindsey:

S. 243. Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent Federal decennial census, providing the authority for the Judge of probate in such counties to appoint his and/or her clerks to solemnize matrimony.

Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Turner and Cottingham:

H. 190. To amend Act No. 1945, H. 584, of the Regular Session of 1971, which authorizes the County Commissions of the several counties to appoint a County Engineer or a Chief Engineer of the Division of Public Roads to provide for his compensation; to provide for the qualifications and duties; and to provide for State participation of the salary of said Engineer.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 190. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and sends same herewith to the Senate:

S. 120. To authorize the formation of professional corporations for the purpose of rendering professional services; to prescribe the manner of organization of such corporations; to limit the purposes of the organization of such corporations; to limit membership in or shareholders of such corporations to persons so licensed to practice in the State of Alabama; to regulate the naming of such corporations; to regulate the issuance of stock in such corporations; to regulate the rendering of professional services furnished by such corporations; to preserve professional relationships and regulations; to prohibit certain acts; to provide for severance of interests in such corporations; to provide for the death or disqualification of shareholders; to require the submission of annual certificates and reports; and to limit mergers or consolidations.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 58. Said Conference Report being in words and figures, as follows:

REPORT OF COMMITTEE OF CONFERENCE ON H. B. 58

We, the committee of conference appointed to reconcile the disagreement of the two houses concerning the House and Senate amendments to H. B. 58, have met in conference, considered the matter in conference, and have agreed to the following report:

1. We recommend that the House and Senate recede from their amendments to the bill;

2. We recommend that the original bill as introduced in the House of Representatives on November 30, 1971, be passed by both houses; and the original bill is attached.

Conferees on the part of the House
TOM GLOOR
HUGH BOLES
J. EARL JONES

Conferees on the part of the Senate
TOM KING
RICHARD DOMINICK
EDDIE HUBERT GILMORE

And said bill:

H. 58. To amend Section 1 of Act No. 462, H. 833, Regular Session 1939 (Local Acts 1939, p. 277), as amended by Act No. 193, H. 556,

Regular Session 1965 (Acts 1965, p. 276) (codified at Section 138, Title 62, Code of Alabama 1940, Recompiled 1959), which provides for the maintenance of law libraries in Jefferson County by authorizing the collection of a tax paid as a part of court costs in actions in Jefferson County courts; provides for the maintenance and expense of such funds, and provides for the method of use of such funds, by increasing the tax from ten cents to fifty cents in each civil case filed in certain statutory inferior courts in Jefferson County (other than in the Birmingham Division).

as amended by the report of the Committee on Conference was again read at length and passed by a vote of: Yeas 73 Nays 0.

And said bill, together with the Report of the Committee on Conference is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailes, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 58, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Gilmore	Lybrand	Pierce	
Carr	Hammond	McLain	Register	
Clark	Harris	Noonan	Vacca	
Cook	Hawkins	O'Bannon	Wilder	
Dozier	Jones	Owen	Wilson	
Edington	King			—25

Nay: Mr. Dominick —1

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Senate Chambers
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message From the Governor relative to appointments to the Board of Examiners of Landscape Architects.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS THE 2d DAY OF FEBRUARY, 1972.

To the Senate of Alabama
Senate Chambers
State Capitol
Montgomery, Alabama

Gentlemen:

Pursuant to Act No. 2396, Regular Session 1971, I have appointed the following individuals to the Board of Examiners of Landscape Architects:

Mr. Robert S. Bateman, Mobile, Alabama; For the term expiring January 3, 1973.

Mr. Holley A. Mitchell, Auburn, Alabama; For the term expiring January 3, 1974.

Mr. Eugene C. Brock, Montgomery, Alabama; For the term expiring January 3, 1975.

The above appointments are submitted for confirmation or for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Examiners of Landscape Architects, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 240. To provide for the election of a seven member Board of Education for the City of Athens, Alabama, and to provide for the terms of said members, to provide for the repeal of all laws or parts of laws in conflict herewith, and to provide an effective date for the act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the following Senate Bill:

S. 71. To provide an expense allowance for the clerk of the juvenile court of any county having a population of not less than 57,000 nor more than 61,000, according to the last or any subsequent federal decennial census, where the clerk of the circuit court also serves as clerk of the juvenile court.

by a majority of the whole number elected to the House, said vote being
Yeas 61, Nays 0

And said Bill, S. B. 71, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the House, said vote being Yeas 61, Nays 0

And said Bill, S. B. 71, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Reed (T):

H. J. R. 20. TO CREATE A JOINT LEGISLATIVE COMMITTEE TO STUDY AND INVESTIGATE THE ALABAMA PRISON SYSTEM

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

1. There is hereby created and established a joint legislative study committee composed of five members of the Senate, appointed by the President of the Senate, and five members of the House of Representatives appointed by the Speaker of the House, to study and investigate the Alabama prison system. Insofar as possible appointments to such committee shall be made from persons volunteering for service on such committee. The members of the committee shall meet within thirty days after their appointment at a place agreed upon, and shall elect a chairman and vice-chairman from among their number.

2. In conducting its study and investigation the committee shall especially study housing, feeding, clothing, health and disciplinary practices and procedures, and deviations from normal ways of life of prisoners. The committee may also study any other phase of the prison problems which the committee may deem to be pertinent.

3. The committee shall make a final report including its findings, conclusions and recommendations to the next session of the Legislature unless the Legislature is called back into Special Session before the committee has completed its study and investigation and prepared its report, in which event, it shall report to the next regular session of the Legislature. Upon filing its report the committee shall be dissolved.

4. The members of the committee shall receive no compensation for their services, but shall be entitled to receive their regular legislative per diem and allowances for each meeting of the committee actually attended, or when otherwise actually engaged in the business of the committee. Such per diem pay and allowances together with all expenses incurred shall be paid out of any funds appropriated to the use of the legislature upon requisition of the committee chairman, but in no case shall such expenditures exceed the total sum of twenty-five hundred dollars (\$2,500.00).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 20, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gloor:

H. J. R. 125. TO FIX A DAY FOR HOLDING THE ELECTION ON CERTAIN CONSTITUTIONAL AMENDMENTS PROPOSED AT THE THIRD SPECIAL SESSION OF THE LEGISLATURE of 1971.

WHEREAS several amendments to the Constitution of Alabama have been proposed during the current session of the Legislature (The Third Special Session of 1971), and the Acts or resolutions proposing such amendments have provided for the submission thereof at an election to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature; and

WHEREAS the holding of a Constitutional Amendment election on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature will entail unnecessary expenses to the State and great inconvenience to the voters as such Tuesday will most likely fall late in April or early in May and the regular primary elections will be held on the first Tuesday in May with the run-off, if one is necessary, being held on the last Tuesday in May, thus requiring the holding of three elections within a very short time; and

WHEREAS the Justices of the Supreme Court of Alabama advised the Legislature on former occasions that there are no requirements of law as to the form that a legislative appointment of the day for an election must take, and that the designation of the day may be incorporated in the Act or resolution proposing the amendment or otherwise; and

WHEREAS there is no prohibition in law which prevents a re-designation of a day appointed for holding the election on the constitutional amendments proposed at this current session of the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon each of the amendments proposed during the current session of the Legislature which provided for the submission thereof at a special election to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature shall be held on the last Tuesday in May (May 30) 1972, if such date is as much as three months after the final adjournment of this current special session of the Legislature.

RESOLVED FURTHER, That no election shall be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature on any amendments proposed during such current session though the Act or resolution proposing such amendment directs the holding of the election on such date, unless May 30 is less than three months after the final adjournment of

this special session of the Legislature, but instead such amendment shall be submitted at an election to be held as provided in the foregoing paragraph.

RESOLVED FURTHER, however, that if May 30, 1972 is less than three months after the final adjournment of this current special session of the Legislature, then a special election on such amendments shall be held, as directed in the Act or resolution proposing each such amendment, on the first Tuesday after the expiration of three months from the final adjournment of the current special session.

RESOLVED ALSO That notice of the election and of the proposed amendments shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceeding the day appointed for the election in a newspaper in each county of the State.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 125, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 22. Relative to congratulations to the coaches and team members of the Decatur High School football team.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same here with to the Senate for its consideration:

By Messrs. Carnes, Waldrop and Wynot:

H. J. R. 135. WHEREAS, the Alabama Legislature in the 1971 First Special Session did pass legislation for the expansion of medical education and construction of new medical facilities in Huntsville, Mobile, and Tuscaloosa; and

WHEREAS, there has been no specific planning for the funding of operational expenses of the said new medical facilities; and

WHEREAS, the Alabama legislature in its 1973 Regular Session shall be charged with the responsibility of appropriating funds for the operation of said facilities,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both houses thereof concurring, that there is hereby created and established in Interim Study Committee for the purpose of making a thorough investigation and recommendations concerning the funding of the operation of the aforesaid new medical facilities; that

said committee shall be composed of five members of the House of Representatives to be appointed by the Speaker and five members of the Senate to be appointed by the Lieutenant Governor; and that said committee shall file a report of its recommendations with the members of the Legislature on or before the fifth legislative day of the 1973 Regular Session.

BE IT FURTHER RESOLVED, That the members of the committee shall receive no compensation for their services except that they shall be entitled to receive their regular legislative per diem and allowances for each meeting of the committee actually attended, or when otherwise actually engaged in the business of the committee. Such per diem pay and allowances together with all expenses incurred shall be paid out of any funds appropriated to the use of the legislature, but in no case shall such expenditures exceed the total sum of twenty-five hundred dollars (\$2,500.00).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 135, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Ellis, Falkenburg, Bowers, Erdreich, Timmons, Doss, Grainger, Jones (E), Gloor, McBride, Waggoner, Wallace, Boles, Gafford, Dill, Meeks, Weeks, Smith (P), Bank, Adwell, and Cherner:

H. J. R. 129. CONGRATULATING CLETTUS ATKINSON FOR WINNING THE ERNIE PYLE MEMORIAL AWARD.

Also:

By Mr. Fite:

H. J. R. 127. COMMENDING THE ALABAMA FARM BUREAU.

Also:

By Mr. Crowe:

H. J. R. 128. CONGRATULATING REPRESENTATIVES ALVIS NARAMORE UPON BECOMING A GRANDFATHER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R.'s 129 and 128, the titles of which are set out in the foregoing Message from the House, were read and ordered to lay over on the Secretary's desk.

The Resolution, H. J. R. 127, the title of which is set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Culver:

H. J. R. 98. Re-creating the Joint Interim Committee on Agriculture

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That there shall be a joint interim committee on agriculture to meet on call of its chairman during the interim between the date of passage of this resolution and the first legislative day of the 1975 regular legislative session, which shall make a study of the condition of agriculture in the state, hold hearings, inquire into ways and means of improving agriculture, agricultural marketing, and business and industry based on agriculture in the state, and report its findings, conclusions, and recommendations to the Governor and to each house of the Legislature at the 1975 regular session, and to any intervening regular or special session.

The committee shall consist of the members of the House Committee on Agriculture and the members of the Senate Committee on Agriculture. The chairman of the House Committee on Agriculture shall be chairman of the interim committee and the chairman of the Senate Committee on Agriculture shall be co-chairman of the interim committee. The chairman of the committee, with the approval of the co-chairman, shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee, and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The total expenditures of the committee in any fiscal year shall not exceed ten thousand dollars, inclusive of per diem legislative pay.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 98, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Turnham:

H. J. R. 99. PROVIDING FOR CONTINUATION OF THE JOINT COMMITTEE ESTABLISHED BY H. J. R. 107, ACT NO. 483, APPROVED SEPTEMBER 6, 1957, TO STUDY THE PROBLEMS INVOLVED IN THE PRODUCTION AND PROCESSING OF COTTON.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint committee established pursuant to H. J. R. 107, Act No. 483, approved September 6, 1957 (Acts of 1957, p. 667) shall continue in existence and shall continue

its work as directed in said Act No. 483, provided that the members of the committee shall be elected by the respective houses as provided in Act No. 483. The committee shall make a report to the Legislature on or before the fifth legislative day of the 1973 Regular Session.

RESOLVED FURTHER, That the Lieutenant Governor of Alabama, the Speaker of the House of Representatives and the Commissioner of Agriculture and Industries shall serve as ex officio members of the committee.

RESOLVED FURTHER, That the committee is authorized to meet thirty days in addition to the meeting days heretofore provided for, and each member of the committee shall be entitled to compensation and expenses as provided for in said Act No. 483, provided, however, that the total per diem pay, expense allowances, travel allowances and all other expenses incurred by the committee in any fiscal year shall not exceed \$5,000.00, anything in said Act No. 483 of 1957 or in SJR No. 4 of the First Special Session of 1959 or in Act No. 381 of the 1967 Regular Session, or hereinabove to the contrary notwithstanding.

AND RESOLVED FURTHER, That any provision of said H. J. R. 107, Act No. 483, of 1957, Act No. 7, S. J. R. 4 of the First Special Session 1959, or Act No. 381 of the 1969 Regular Session and of any other resolution in conflict with this resolution are hereby rescinded.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 99, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McCorquodale:

H. J. R. 112. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, THAT when the two Houses adjourn today, they adjourn to meet again on Friday, January 21, 1972, at 10:00 A. M., and when the two Houses adjourn on Friday, January 21, 1972, they adjourn to meet again on Tuesday, January 25, 1972.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 112, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Williams, Lyons, Slate, Burgess, Adams, Adwell, Baker, Bank, Barkett, Bassett, Benton, Boutwell, Brassell, Callahan, Carnes, Carter, Casey, Cauthen, Chesnut, Collins, Connell, Cottingham, Crawford, Cross, Crowe, Culver, Dill, Doss, Downing, Drake, Easters, Edwards, Erdreich, Falkenburg, Fite, Flippo, Gafford, Gloor, Goodwin, Grainger, Gray (F), Grey (D), Hardin, Harris, Headley, Hearn, Hill, Hobbie, Jackson, Jones (F), King, Kinsey, Lang, Lutz, McBride, McCluskey, McCorquodale, McDonald, Manley, May, Meeks, Merrill, Mims, Naramore, Owens, Parker (H), Perloff, Pruitt, Reed (T), Reid (R), Reynolds, Roberts, Robertson, St. John, Smith (K), Smith (P), Snell, Stewart, Stokes, Straiton, Stubbs, Taylor, Therrell, Timmons, Turner, Waggoner, Wallace, Warren, Weeks, Wise, Wood and Wynot:

H. J. R. 100. CONGRATULATING OUR BELOVED GOVERNOR, GEORGE C. WALLACE, FOR HIS SELECTION AS ONE OF THE TEN MOST ADMIRRED MEN IN THE WORLD TODAY

WHEREAS the Gallup Poll has published its list of the "ten most admired men in the world today"; and

WHEREAS this annual audit of the most admired men in the world today by the Gallup Poll is based upon samples designed to represent the views of the entire adult population, 18 years and older. Survey respondents being asked to give their choices, without being handed a list of names, and

WHEREAS our beloved Governor, George C. Wallace, has been selected by the American people as one of the ten most admired men in the world for the year 1971 according to this most recent Gallup Poll carried out on December 10-13; and

WHEREAS the people of Alabama rejoice in the knowledge that their beloved Governor is held in high esteem by people of all walks of life in America today; and

WHEREAS his articulate, forthright and forceful presentation of his opinions on issues facing the American people today has established him as a leader among men in this great America; and

WHEREAS our beloved Governor earned this worthy achievement over a host of government and international officials including Senators Eugene McCarthy, J. William Fulbright, Barry Goldwater, Mike Mansfield, George McGovern, Strom Thurmond, Howard Baker and John Stennis; Representative Wilbur Mills; Governor Nelson Rockefeller; Secretaries John Connally and George Romney; New York Mayor John Lindsay, Chicago Mayor Richard Daley; General Maxwell Taylor and General William Westmoreland; and International Leaders: Israel's Moshe Dayan, Great Britain's Prince Philip, France's Georges Pompidou, Canada's Pierre Trudeau, West Germany's Willy Brandt; and

WHEREAS this legislative body and all of the people of Alabama note with great pride that this highly esteemed honor has been awarded to our beloved Governor and through him to the people of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our warmest congratulations to our beloved Governor George C. Wallace for being selected as one of the ten most admired men in the world for 1971.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to Governor Wallace and the members of his family.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 100, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Senate Chambers
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor relative to appointments on the Mental Health Board of Trustees.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 25th DAY OF JANUARY, 1972.

To the Senate of Alabama
Senate Chambers
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons on the Mental Health Board of Trustees:

Dr. J. Garber Galbraith, Birmingham, Alabama; From the 6th Congressional District Succeeding Dr. Hugh E. Gray For the Term Expiring September 30, 1974

Dr. Eric Strandell, Brewton, Alabama; From the 2nd Congressional District Succeeding Dr. John Davis For the Term Expiring September 30, 1976

The above appointments are submitted for confirmation or for such action as you may deem right and proper.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments on the Mental Health Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning Senate Bill No. 58, which is self-explanatory.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

Done this 20th day of December, 1971.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 58 without my signature and approval for the reason that it is identical with House Bill Number 100 which was approved on December 13, 1971, and which is now Act Number 52, Acts of Alabama, Third Special Session.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Dozier, the Senate sustained the Governor's veto to the Bill:

S. 58. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Twelfth Judicial Circuit of Alabama.

which said veto is set out in the foregoing Message from the Governor.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	King	Pelham
Bailes	Fine	Lindsey	Pierce
Branyon	Foshee	Littleton	Vacca
Carr	Gilmore	Noonan	Weaver
Clark	Givhan	O'Bannon	Wilder
Cook	Horne	Owen	Wilson
Cooper	Jones		

—25

Nays:

—0

Which was a majority of the whole number elected to the Senate.

REPORTS OF COMMITTEES

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Straiton, et al:

H. 267. To establish a pension fund for Alabama fire fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on insurers against fire, lightning, and related hazards, to fix membership dues, and authorize gifts, contributions and donations to the fund.

By Mr. Jones (F), et al:

H. 265. To make appropriations from the Alabama Special Education Trust Fund in the State Treasury for the use and benefit of the Alabama Industrial School, Mt. Meigs, Alabama.

By Messrs. Givhan, Wilson, Jones, Harris, Hawkins, Vacca and Gilmore:

S. 208. To make a conditional appropriation for funding and administering tuition grants to resident students attending private colleges in Alabama.

By Messrs. Givhan, Wilson, Jones, Harris, Hawkins, Vacca and Gilmore:

S. 209. To provide tuition grants to resident students of the State of Alabama who are attending private accredited colleges or universities in Alabama.

By Messrs. Givhan and Shelby:

S. 210. To make a conditional appropriation to the Bibb County Board of Education from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1972.

By Messrs. Cooper and Foshee:

S. 49. To create the office of spiritual guidance counselor for state highway camps.

By Mr. Jones:

S. 197. To make appropriations from the Alabama Special Education Trust Fund in the State Treasury for the use and benefit of the Alabama Industrial School, Mt. Meigs, Alabama.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute and it was read a second time and placed on the calendar, to-wit:

By Messrs. Lyons, Jackson and Williams (with substitute):

H. 230. To amend Section 1 of Act No. 1403, H. 46, approved September 17, 1971, entitled "An Act To provide for inspection of certain petroleum products, including those commonly known as gasoline, naphtha, diesel fuel, kerosene and lubricating oil, that are sold, offered for sale, used or stored in the State of Alabama; to provide for the issuance by the Commissioner of Agriculture and Industries of permits for selling, offering for sale, storing or using such petroleum products and to require the making of applications for such permits and payments of a permit fee; to authorize the Board of Agriculture and Industries to establish minimum standards for such petroleum products; to require compliance with such standards; to provide for enforcement of this act, including provisions for maintenance of records and for labeling, sampling and testing such products, provisions prohibiting adulteration thereof, and provisions for penalties for violation of this act; to prohibit the sale, offering for sale, storage or use in this State of petroleum products not meeting the said standards; to impose an inspection fee in respect of each such petroleum product; to provide for the disposition of such inspection fees and any penalties collected under this act; to provide that violation of this act constitutes a misdemeanor; and to repeal Article 21 of Chapter 1 of Title 2 of the Code of Alabama of 1940 and subdivision 2 of Article 26 of the said Chapter 1."

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment and it was read a second time and placed on the calendar, to-wit:

By Mr. Turner, et al (with amendment):

H. 321. To provide that the names of candidates for President and Vice President of the United States shall appear on the official ballot in general elections; to describe the form of ballot to be used in such election and to provide the method of determining the names of such Presidential and Vice Presidential candidates; and to further provide for the form of the ballot when elector candidates are unpledged to any Presidential or Vice Presidential candidate.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Turner, et al:

H. 320. To provide for presidential preferential primary elections; to require all political parties which elect to hold primary elections for nomination of state, district, or federal officers to hold such presidential preferential primary elections; to provide for the conduct of such elections; to provide for the selection of candidates for such election; to provide for the selection of convention delegates by such presidential preferential primary election; to provide for the form of ballot for such primary and to prohibit certain political parties from selecting delegates to national political conventions under certain circumstances.

By Messrs. Jones and Pierce:

S. 233. To amend further "The Alabama G. I. and Dependents' Educational Benefit Act," Act No. 47, Regular Session 1951 (Acts of

Alabama 1951, p. 259) to provide certain educational benefits to dependents, children and wives of members of the Armed Forces listed as missing in action and listed as prisoners of war.

By Mr. Doss, et al:

H. 243. To amend Section VII of Act No. 399, 1969 Acts of Alabama (p. 773), entitled "An Act to provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this Act; and to make an appropriation from the state treasury for the purposes of this Act" so as to strengthen abatement and prevention of water pollution; and so as to prescribe procedures to be followed in the event an operator uses explosives in a surface mining operation; so as to strengthen grading requirements of affected land.

By Mr. Doss, et al:

H. 245. To amend Section IX of Act No. 399, 1969 Acts of Alabama (p. 773) entitled "An Act to provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act" so as to increase the penalty for failure to comply with the conditions of the performance bond.

By Messrs. Drake and Williams:

H. 235. To amend Section 8 of Act No. 159, S. 289, Regular Session, 1969 (Acts of Alabama 1969, Page 442) Approved July 10, 1969, entitled "An Act relating to displacement of individuals, families, farm operations, businesses and non-profit organizations; providing that payments may be made to them as a result of moving from their home, farm, or business due to acquisition of their property for highway construction purposes; providing that relocation moving payments be considered a part of highway construction; providing that the Highway Department may provide a relocation advisory assistance program in keeping with this Act; providing optional modes of payment to those displaced and covered under this Act; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; authorizing the Highway Director to adopt applicable Federal rules and regulations to implement this Act and to comply with the relocation assistant provisions of the Federal-Aid Highway Act of 1968, and subsequent Federal Acts related thereto; repealing Section 39(2), Title 23, Code of Alabama 1940, Recompiled 1958; to provide how this Act may be cited; and to provide a severability clause."

By Messrs. Drake and Williams:

H. 233. Relating to highways; to control and regulate the erection and maintenance of outdoor advertising devices or signs on lands adjacent to the Federal-Aid Primary System and The National System of Interstate and Defense Highways in Alabama; to provide compensation for removal or relocation of advertising devices; to define terms;

to issue permits and collect fees therefore; to provide for violations and penalties; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; to provide how this Act may be cited; and to provide a severability clause.

By Mr. Doss, et al:

H. 241. To amend Section XI of Act No. 399, 1969 Acts of Alabama (p. 773) entitled "An Act to provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act" so as to increase the penalties prescribed therein; and to provide for a procedure whereby any group of citizens of this State may, under certain conditions, seek enforcement of the provisions of this act when those whose duty is to enforce said act fail to do so.

By Mr. Doss, et al:

H. 242. To amend Section V of Act No. 399, 1969 Acts of Alabama (p. 773), entitled "An Act to provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial relations in connection with surface mining; to prescribe certain duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this act; and to make an appropriation from the state treasury for the purposes of this act so as to prescribe additional conditions that must be considered before a surface mining permit can be issued.

By Mr. Doss, et al:

H. 244. To amend Section VIII of Act No. 399, 1969 Acts of Alabama (p. 773), entitled "An Act to provide for the regulation of surface mining and the reclamation and revegetation of lands affected by surface mining; to prescribe the powers and duties of the director of industrial duties of surface mine operators; to require and prescribe conditions for the issuance of permits; to provide for bonds and the conditions for forfeiture thereof; to prescribe penalties for violations and provide otherwise for the enforcement of this Act; and to make an appropriation from the state treasury for the purposes of this act" so as to specify additional duties of the inspectors.

By Mr. McDonald, et al:

H. 179. To amend the title and Sections 1, 2, 4, 5, 6, 7, 8 and 10 of Act No. 14, H. 5, Special Session 1969 (Acts 1969-1970, p. 28), an act to establish the Alabama Commission of Higher Education, so as to change the name of said commission to the Alabama Commission on Higher Education, and to make certain other changes.

By Messrs. Adwell and Bowers:

H. 266. To provide that any municipality of the state may authorize any policeman or other employee of such municipality to assist the policemen or other employees of any other municipality of the state in the performance of undercover work in such other municipality

or its police jurisdiction for the purpose of enforcing the laws of the state or ordinances of such other municipality related to the illegal possession, use, sale or disposition of narcotic drugs, marijuana or any other drug enumerated in Section 256 of Title 22, Code of Alabama of 1940, as amended or the illegal possession or sale of alcoholic or malt beverages when such aid is requested in writing on behalf of such other municipality by the Mayor, or other chief executive officer thereof, and to prescribe the conditions under which such undercover work may be performed.

By Mr. Mims, et al:

H. 271. Relating to the total rehabilitation of certain persons both male and female convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections.

By Mr. Mims, et al:

H. 273. To amend Title 42, Section 8 of the Code of Alabama 1940, as amended, so as to liberalize the conditions under which prisoners may be given temporary paroles and furloughs.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Grainger, et al (with amendment):

H. 300. To further amend Title 51, Section 17, Code of Alabama 1940, as last amended, so as to provide for a system of classification of property for ad valorem tax purposes, and to provide alternative procedures with respect to ad valorem taxes levied by any authority other than the State; to describe and define the various classes of property and to fix with respect to such classes the ratios of assessed value to the fair and reasonable market value of property within such classes; to provide for certain exemptions from taxation.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owens:

H. 302. To enact the Alabama Insurance Holding Company System Regulatory Act relating to insurance; to provide for the regulation of insurance holding company systems; to define the term "insurance holding company system" and certain other terms; to provide for and regulate the acquisition of subsidiaries of insurers; to regulate the acquisition of control of or merger with domestic insurers; to provide for the filing of certain information with the Superintendent of Insurance; to prescribe grounds for approval of mergers and acquisitions; to provide for notice and hearing; to provide for exemptions; to provide for registration of insurers and to prescribe information to be filed; to provide for amendments to registration statements; to provide for exemptions and disclaimers; to provide standards for material transactions between insurers and their affiliates; to regulate extraordinary dividends and distributions; to provide for examination by the Superintendent of Insurance with the respect to the verification of information required to be filed; to provide confidential treatment for informa-

tion filed pursuant to the provisions of the Act; to empower the Superintendent of Insurance to issue rules, regulations, and orders to carry out and administer the provisions of the Act; to authorize the Superintendent of Insurance to enjoin violations of the Act; to prohibit voting of equity securities acquired in violation of the Act; to provide for the sequestration of securities acquired contrary to the provisions of the Act; to provide criminal penalties; to provide for receivership, revocation or suspension of license for violation of the Act; to provide for judicial review; to supersede conflicting laws; to provide for separability of provisions; and to provide an effective date.

By Mr. King, et al:

H. 330. To amend Act No. 47, H. 29 of the Regular Session of 1951 (Acts of 1951, v. 1, p. 259), as amended, which is known as the Alabama G. I. and Dependents' Educational Benefit Act, so as to provide for an extension of the time for initiating a course of instruction without the payment of tuition or fees for servicemen on active duty in the United States Armed Forces and stationed outside the State of Alabama during the period of his eligibility for benefits under this Act.

By Mr. Noonan:

S. 184. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 8(11) of such Act, so as to revise the qualifications of appraisers employed to appraise the property in each county.

By Mr. Noonan:

S. 185. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 6 of such Act, so as to revise the qualifications of appraisers employed to review assessment systems.

By Mr. Noonan:

S. 186. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 8(1) of such Act, so as to revise the qualifications of appraisers employed to review assessment systems.

By Mr. Noonan:

S. 188. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 13 of such Act, as to the use of funds to pay the cost of appraisal systems.

By Messrs. Hammond and Weaver:

S. 223. To make further provision for the financing and construction of public bridges in the state; to authorize Alabama Highway Authority to sell and issue from time to time not exceeding \$10,000,000 principal amount of bonds in addition to those heretofore authorized to be issued by said Authority; to provide for the details of said bonds, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued under this act shall not create an obligation or debt of the state and shall be limited obligations payable solely out of the revenues of the said Authority appropriated and pledged in this act; to provide that

the said bonds may thereafter be refunded by the issuance of refunding bonds and that the limitation on the amount of the bonds issued by said Authority under this act shall not apply to refunding bonds issued under this act; to provide that said bonds and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies; to provide that said bonds shall be lawful for the investment of fiduciary funds; to provide for the use of the proceeds of said bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on said bonds; to authorize the said Authority to pledge for payment of the said principal and interest the moneys appropriated and pledged in this act for that purpose; to provide that any portion of this act that may be held invalid shall not affect the validity of any other portion hereof; and to specify the effective date of this act.

By Mr. Givhan:

S. 226. To amend Section 89, Title 36, Code of Alabama 1940 as amended, relating to size and weight of vehicles and loads, so as to increase the permissible width of certain vehicles to eight feet, ten inches.

By Mr. Givhan:

S. 227. To authorize, require and provide for the refund of a portion of the state sales tax paid in each county on purchases made with food stamps to such county and the incorporated municipalities therein; to provide for the distribution and prescribe the use of the proceeds of such refund; and to place certain duties on the state department of revenue.

By Mr. Pierce:

S. 230. To amend Section 74 of Act No. 407, H. B. 198, 1971 Regular Session, approved October 1, 1971, entitled "An Act To provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes."

Mr. Weaver, Chairman of the Standing Committee on Youth and Student Activities, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Horne, Register, Weaver, Shelby, Wilder, Littleton, Jones and Clark:

S. 213. To provide for the creation of a department of the state to be known as the Department of Youth Services; to prescribe the powers and duties of the said department; to provide for the creation of the Alabama Youth Services board; to provide for the selection of the members of the said board; to prescribe the powers and duties of the board; to provide for the transfer of control of residential foster care facilities, and youths; to provide for the appointment of a State Youth Services Director, and to prescribe the powers and duties of the said Director; to provide court review of the decisions of the said board; to provide for reports to the Governor; to provide for the submission of an annual budget; to require competitive bidding; to authorize medical, psychiatric, surgical, and dental care for the youth of the state; to provide for the treatment, education, and disposition of youth in the custody of the said department of the said board; and to prescribe penalties for the violation of this Act.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Pruitt and Manley (with notice and proof):

H. 292. Relating to Sumter County; to regulate the insurance of certain public buildings within the county, together with the equipment, furniture, fixtures, and other property within such buildings; and to repeal conflicting laws.

By Mr. Wilson:

S. 235. To further regulate finance charges or interest for any loan or forbearance to be charged by any bank in all counties having a population of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census.

By Mr. Littleton:

S. 241. Relating to counties having a population of not less than 36,500 nor more than 39,200; revising the employment grades of certain deputies in the Sheriff's office in such counties.

By Mr. Hammond:

S. 242. To provide for an expense allowance for the official court reporters of the Ninth Judicial Circuit.

RESOLUTIONS

Mr. Fine offered the following Senate Resolution, to-wit:

S. R. 61. WHEREAS, The Legislature finds itself in the unique position of being financially embarrassed; and

WHEREAS, The Legislative employees are beginning to make inquiries into the food stamp program, welfare requirements, and the Appalachian poverty program; and

WHEREAS, Through no fault of their own, said Legislative employees will soon be required to suffer the consequences of the sins of their employers; now therefore—

BE IT RESOLVED BY THE SENATE OF ALABAMA, That the former benefactor of the State of Alabama, Honorable Harry Brock, who so generously subsidized all state employees in their recent crisis, be respectfully requested to strain his generosity and once again open his coffers of gold to the destitute Legislative employees.

On motion of Mr. Clark, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Clark offered the following Senate Resolution, to-wit:

S. R. 62. WHEREAS the State of Alabama and the Alabama Air National Guard have received National acclaim through the untiring efforts and outstanding command ability of MAJOR GENERAL GEORGE R. DOSTER, JR., Chief of Staff of the Alabama Air National Guard and Commander, 117th Tactical Reconnaissance Wing, during his service from 1 November 1946 to date and,

WHEREAS as a civic and business leader General Doster has created among the general public and in legislative and executive circles a climate of recognition and acceptance of the Alabama Air National Guard which is unsurpassed in the history of this fine organization and,

WHEREAS in his continuing fight against Communism did in 1960-61 volunteer himself along with other volunteer members of the Alabama Air National Guard to take part in the Bay of Pigs operations, demonstrating his love of state and country beyond the call of duty and,

WHEREAS the 117th Tactical Reconnaissance Wing, under his command, has in recent years received many commendations for their outstanding performance and many Air Guard "firsts", beginning in 1961 with Operation "Stair Step" in which the Alabama unit, using RF84F jet aircraft island-hopped from the United States to Dreux Air Base, France; in early 1963 Operation "Poncho", another first with over-water, air-to-air refueling in a flight from Birmingham, Alabama, to Puerto Rico; again in late 1963 Operation "Minute Man Alpha", a 3,400-mile non-stop flight from Birmingham, Alabama, to Anchorage, Alaska; and in 1964 the history-making Operation "Ready Go", a non-stop air to-air refueling mission again utilizing RF84F aircraft of the 117th in a 3,939-mile flight from Dow Air Force Base, Maine, to Ramstein Air Base, Germany, and,

WHEREAS in October 1970 the 117th Tactical Reconnaissance Wing was once again cited for its high state of readiness, having completed the bi-annual Operational Readiness Inspection in an outstanding manner, again clearly attesting to General Doster's competence as a commander and,

WHEREAS due to their high state of readiness and history of outstanding accomplishments the 117th Tactical Reconnaissance Group, Birmingham, and the 187th Tactical Reconnaissance Group, Montgomery, were selected from 92 other Air National Guard flying units nationwide to be the first units to receive the RF4C Phantom II jet aircraft, one of the most sophisticated weapons systems in the Air Force inventory, and,

WHEREAS under General Doster's direction, units of the Alabama Air National Guard have assisted this State and local communities in many ways, including aerial photography for certain State departments; personnel and equipment for flood and riot control duty; fire-fighters and equipment for emergency use; emergency communication system for use during times of disaster and numerous mercy flights to transport sick and disabled persons who could not otherwise be moved.

THEREFORE BE IT RESOLVED BY THE SENATE THAT MAJOR GENERAL GEORGE R. DOSTER, JR. be commended for his outstanding accomplishments while in positions of leadership within the Alabama Air National Guard and his contributions in leadership and participation in civic and patriotic events which enhanced the image of his community and the State of Alabama.

That the Secretary of the Senate is directed to communicate these resolves to General Doster and transmit to him a duly authenticated copy hereof.

Which was read and referred to the Standing Committee on Rules.

Mr. Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 63. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that S. J. R. 107 (Act Number 2227) of the 1971 Regular Session of the Legislature, creating and establishing an agency known as the Birmingham National Geological Monument Commission, be and the same is hereby repealed.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Pierce and Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 64. CONGRATULATING THE MEMBERS OF THE ALABAMA ASSOCIATION OF NURSING STUDENTS FOR THEIR EFFORTS TO RENDER SERVICE TO STATE MENTAL HOSPITALS AND THEIR PATIENTS.

WHEREAS, the health of all its citizens is a major responsibility of the State of Alabama, and

WHEREAS, the Alabama Association of Nursing Students, composed of future professional nurses, is vitally interested in the health and well being of all citizens of Alabama, and

WHEREAS, this organization is promoting a statewide project to accumulate needed items in the line of rehabilitation and hygiene for the mental hospitals of the State of Alabama, now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that it extends congratulations to the Alabama Association of Nursing Students for its diligent efforts to render assistance to the mental hospitals of the State of Alabama, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Miss Tommie Faye Boles, President of the Alabama Association of Nursing Students, St. Margaret's Hospital School of Nursing.

On motion of Mr. Pierce, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Horne offered the following Senate Joint Resolution, to-wit:

S. J. R. 65. DECLARING THAT THE LEGISLATIVE INTENT OF ACT NO. 674, S. 91 APPROVED SEPTEMBER 4, 1951, INCLUDES THE RIGHT FOR TEACHERS IN COMPUTING NET INCOME FOR INCOME TAX PURPOSES, TO DEDUCT ALL ORDINARY AND NECESSARY EXPENSES INCURRED IN THE PURSUIT OF A MASTER'S OR SUBSEQUENT HIGHER DEGREE.

WHEREAS Act No. 674, S. 91, approved September 4, 1951, was passed by the Legislature to give individual taxpayers who are trying

to improve themselves and upgrade their professions some relief from an ever rising tax burden; and

WHEREAS Act No. 674, S. 91, approved September 4, 1951, states as follows:

"Section 1. In addition to all other deductions permitted by law there shall be allowed each individual income taxpayer a deduction, in computing net income for State income tax purposes, of all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income," and

WHEREAS said Act No. 674, was passed by the Legislature to encourage individual taxpayers to continue their efforts for self improvement in order that they may increase their income; and

WHEREAS the advancement and upgrading of education has long been one of the paramount goals of the Alabama Legislature; and

WHEREAS the teacher-individual taxpayer is at the front of the fight for the advancement of education in the State of Alabama; and

WHEREAS the teacher individual-taxpayer must constantly pursue additional training to keep abreast of an ever changing world in order that our children may receive the best possible education; and

WHEREAS the teacher-individual taxpayer incurs many ordinary and necessary expenses if said teacher is in the pursuit of a Master's or subsequent higher degree which not only leads to the production or collection of income for the teacher-individual taxpayer but also advances the teaching profession and allows the state to collect more income tax revenues from this increased income; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative intent of Act No. 674, S. 91, approved September 4, 1951, includes among its provisions the right that a teacher-individual taxpayer may deduct, in computing net income for income tax purposes, in all ordinary and necessary expenses paid or incurred for the pursuit of a Master's or subsequent higher degree.

BE IT FURTHER RESOLVED, that the Secretary of the Senate send a copy of this resolution to the Commissioner and the Chief of the Income Tax Division of the State Department of Revenue.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Clark, chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 41. Establishing a permanent standing legislative committee on Standards of Official Conduct in each house of the Legislature, and further establishing a Code of Official Conduct for Legislators.

On motion of Mr. Bailes, said Resolution was then adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 75. Setting up a Fire Ant Study Commission.

On motion of Mr. Givhan, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 50. Congratulating our beloved Governor, George C. Wallace, for his selection as one of the ten most admired men in the world today.

On motion of Mr. Clark, said Resolution was then adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 33. Re-creating the Joint Interim Committee on Agriculture.

Mr. Bailes offered the following amendment to the Resolution, S. J. R. 33, to-wit:

AMENDMENT TO S. J. R. 33

Amend S. J. R. 33 by striking the phrase "ten thousand dollars" wherever the same may appear and substituting in lieu thereof the phrase "five thousand dollars".

Which was adopted.

On motion of Mr. Givhan, said Resolution, S. J. R. 33, as thus amended, was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 116. To make additional conditional appropriations to the Department of Public Safety.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and sends same herewith to the Senate:

S. 26. To provide that members of the Enforcement Division of the Public Service Commission designated in writing by the Public

Service Commission shall have the powers of peace officers and deputy sheriffs in this State and may exercise such powers anywhere within the State.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 240. To provide for the election of a seven member Board of Education for the City of Athens, Alabama, and to provide for the terms of said members, to provide for the repeal of all laws or parts of laws in conflict herewith, and to provide an effective date for the act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 116. To make additional conditional appropriations to the Department of Public Safety.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McCorquodale:

H. 384. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 8 (11) of such Act, so as to revise the qualifications of appraisers employed to appraise the property in each county.

Also:

By Mr. McCorquodale:

H. 385. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 6 of such Act, so as to revise the qualifications of appraisers employed to review assessment systems.

Also:

By Mr. McCorquodale:

H. 386. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 13 of such Act, as to the use of funds to pay the cost of appraisal systems.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 384, 385 and 386. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Owens:

H. 403. To amend further Sections 304, 305, 306, 307, 308, 309, 310, 311, and 313 of Article 3, Chapter 10 of Title 28 of the Code of Alabama of 1940, as heretofore amended, relating to non-profit corporations for the establishment of plans for hospital and medical services, and to provide for the continuation of the existence of certain corporations.

Also:

By Mr. Jones (F):

H. 395. To amend Section 2 of Act No. 2052, S. 122, Legislature of 1971, Regular Session, approved August 26, 1971, which provides maximum finance charges for loans and credit sales, and regulates extensions of credit.

Also:

By Messrs. Harris, Lyons, Gloor, Callahan, Jones (F), Taylor, Hobbie, Jackson, Wise, Benton, Kinsey, Waldrop, May, Bassett, Hardin, Straiton, Therrell, Bank, Mims, Warren, Stubbs, Reed (T), Culver, St. John, Grainger, Lutz, Carter, Cross, Pruitt, Cauthen, Slate, Williams, Naramore, Cottingham, Turner, Smith (P), Mathews, McCluskey, Coshatt, Gray (F), Easters, Barkett, Connell, Snell, Brassell, Wood, Roberts, Stewart, Merrill, McDonald, Wynot, Carnes, Reid (R), Grey (D), Goodwin, Hill and Reynolds:

H. 435. To amend further "The Alabama G. I. and Dependents' Educational Benefit Act," Act No. 47, Regular Session 1951 (Acts of Alabama 1951, p. 259) to provide certain educational benefits to dependents, children and wives of members of the Armed Forces listed as missing in action and listed as prisoners of war.

Also:

By Messrs. Crowe, Carnes, Burgess, Doss, Waldrop, Roberts, Mims, Robertson and Fite:

H. 294. To amend Section 2 of Act No. 2052 of the 1971 regular session of the legislature of Alabama relating to maximum finance charges for loans and credit sales and to increase the amount of a debtors earnings subject to garnishment under certain conditions.

Also:

By Mr. McCorquodale:

H. 383. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 8(I) of such Act, so as to revise the qualifications of appraisers employed to review assessment systems.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B. 403. To the Committee on Health.

H. B.'s 395 and 294. To the Committee on Banking.

H. B.'s 435 and 383. To the Committee on Commerce, Transportation and Common Carriers.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 117. To Amend Act No. 2, (Second Special Session) 1971. So as to change the appropriation made in Section 2, F (23) (e) thereof.

Also:

S. 125. To amend Act No. 407, H. 198 of the Regular Session of 1971, which establishes general qualifications for licensees as insurance agents, brokers and solicitors, so as to provide that the residence and domiciliary requirement may be waived if the applicant for a license is a bona fide resident of and maintains an established office in a populous community lying partly in Alabama and partly in an adjoining state, which is composed of two or more contiguous cities, towns, or villages not completely separated by a natural boundary.

Also:

S. 157. To amend Section 713, Title 7, Code of Alabama 1940 as last amended, to allow legal advertisement in any newspaper regardless of where such newspaper is printed; and requiring such newspapers to be published for at least fifty-one weeks a year.

Also:

S. 159. To make a conditional supplemental appropriation from the Special Educational Trust Fund to the Speech and Hearing Center at the University of Montevallo for the fiscal years ending September 30, 1972 and September 30, 1973.

Also:

S. 120. To authorize the formation of professional corporations for the purpose of rendering professional services; to prescribe the manner of organization of such corporations; to limit the purposes of the organization of such corporations; to limit membership in or shareholders of such corporations to persons so licensed to practice in the State of Alabama; to regulate the naming of such corporations; to regulate the issuance of stock in such corporations; to regulate the rendering of professional services furnished by such corporations; to preserve professional relationships and regulations; to prohibit certain acts; to provide for severance of interests in such corporations; to provide for the death or disqualification of shareholders; to require the submission of annual certificates and reports; and to limit mergers or consolidations.

Also:

S. 71. To provide an expense allowance for the clerk of the juvenile court of any county having a population of not less than 57,000 nor more than 61,000, according to the last or any subsequent federal decennial census, where the clerk of the circuit court also serves as clerk of the juvenile court.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Ellis, Cauthen and Owens:

H. 422. To amend Act 171, H. 31, Special Session 1967, (Acts 1967, p. 218) which requires operators and passengers riding two wheel motorized vehicles to wear protective helmets, prescribes standards for helmets that may be worn, provides for testing such helmets, prohibits the sale in this state of substandard helmets, imposes responsibility on parents and guardians of juveniles in reference to compliance with the Act, and prescribes penalties so as to prescribe additional requirements.

Also:

By Messrs. Ellis, Cauthen and Owens:

H. 426. To prohibit the use of Interstate and limited access highways by pedestrians, bicycles, animal drawn vehicles and persons riding animals.

Also:

By Messrs. Ellis, Cauthen and Owens:

H. 428. To require riders and passengers on motorcycles, motor driven cycles or motor scooters to wear goggles, a face screen or to be protected by a windscreen attached to the vehicle, and to provide for approval of such devices, to restrict sales in Alabama to approved devices, and to provide a penalty for violation of this Act.

Also:

By Messrs. Ellis, Cauthen and Owens:

H. 431. To amend Act No. 22, H. 1, Regular Session 1953 (Acts 1953, p. 25), relating to the speed of motor vehicles on the state highways, so as to further regulate the speed of motor vehicles on highways included in the Interstate System.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B. 422. To the Committee on Finance and Taxation.

H. B. 426. To the Committee on Agriculture.

H. B. 428. To the Committee on Military.

H. B. 431. To the Committee on Commerce, Transportation and Common Carriers.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 12. Applying to the Congress for a convention to propose an amendment to the Constitution of the United States.

Mr. Wilson offered the following amendment to the Resolution, S. J. R. 12, to-wit:

AMENDMENT TO S. J. R. 12

Amend said resolution by striking the word "particular" wherever the same appears in the sentence that immediately follows the word "Article".

Which was adopted.

And, on motion of Mr. Wilson, said Resolution, as thus amended, was then adopted by the Senate.

BILLS ON THIRD READING

The Bill:

H. 222. To make an appropriation for each year of the ensuing biennium from the general fund in the State Treasury to be used by the State Department of Pensions and Security to match federal funds for the purpose of paying the increase in benefits to the blind pursuant to Act No. 574 of the 1963 Regular Session of the Legislature, as amended by Act No. 2420, H. 2067 of the 1971 Regular Session.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dozier	King	Pierce
Bailes	Edington	Lindsey	Shelby
Branyon	Gilmore	Littleton	Vacca
Clark	Givhan	Lybrand	Weaver
Cook	Hammond	Noonan	Wilder
Cooper	Hawkins	O'Bannon	Wilson
Dominick	Jones	Owen	

—26

Nays:

—0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Wilder, further consideration of the Bill, S. B. 212, was indefinitely postponed by the Senate.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 17. Creation of a Highway Policy and Planning Commission.

BILLS ON THIRD READING RESUMED

The Bill:

S. 205. Relating to counties having a population of not less than 110,000 and not more than 150,000, authorizing the county governing body to furnish an additional legal stenographer for the District Attorney in certain counties classified on a population basis.

was taken up.

Mr. Shelby offered the following substitute for the Bill, S. B. 205, to-wit:

SUBSTITUTE FOR S. B. 205

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having a population of not less than 110,000 and not more than 150,000, authorizing the county governing body to furnish an assistant legal stenographer for the District Attorney in certain counties classified on a population basis, and further to bring any already existent legal stenographer of the District Attorney in such counties under the provisions of civil service or merit system of such counties, and to empower such officers to appear before Grand Jury sessions to record or report the testimony of witnesses therein.

Be It Enacted by the Legislature of Alabama:

Section 1. In any counties having a population of not less than 110,000 and not more than 150,000 according to the last or any subsequent federal decennial census, any office of Legal Stenographer of the District Attorney of such county which has heretofore been established and provided for is hereby made subject to the civil service or merit system Act of such county. The salary of such office shall not be changed by this Act. Immediately upon passage and approval of this Act, the District Attorney shall appoint a competent qualified person to the office of Legal Stenographer of the District Attorney of such county, such Legal Stenographer to have civil service status and be removable by the District Attorney only for cause in accordance with the civil service or merit system of such county. However, any subsequent vacancy in such office shall be filled in the manner of vacancies in other offices covered by the civil service or merit system of such counties. Such Legal Stenographer shall be empowered and authorized to appear before Grand Jury sessions in such counties for the purpose of reporting or recording the testimony of witnesses appearing before such Grand Jury sessions, and shall do so at such times as may be deemed desirable by the District Attorney of such counties.

Section 2. Further, in such counties, the position of Assistant Legal Stenographer of the District Attorney of such county is hereby established and provided for. Such Assistant Legal Stenographer shall assist the Legal Stenographer of the District Attorney of such county in the conduct of the duties and responsibilities of that office and shall act as such officer in the absence of such officer, and shall act under the direction of the District Attorney and of said Legal Stenographer in carrying out such duties. The Assistant Legal Stenographer shall be empowered and authorized to appear before Grand Jury sessions in such counties for the purpose of reporting or recording the testimony of witnesses appearing before such Grand Jury, and shall do so at such times as may be deemed desirable by the District Attorney of such county.

The District Attorney of such county shall, subject to the civil service or merit system Act of such county, appoint such Assistant Legal Stenographer, whose compensation shall be established by the civil service or merit system board of such county, which shall be paid by the county governing body of such county as salaries of other employees and officers of such county are paid.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen	
Bailes	Foshee	Littleton	Pelham	
Cook	Gilmore	Lybrand	Pierce	
Cooper	Givhan	McLain	Shelby	
Dominick	Horne	Noonan	Weaver	
Dozier	Jones	O'Bannon	Wilson	
Edington	King			—25

Nays: —0

And said Bill, S. B. 205, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen	
Bailes	Foshee	Littleton	Pelham	
Cook	Gilmore	Lybrand	Pierce	
Cooper	Givhan	McLain	Shelby	
Dominick	Horne	Noonan	Weaver	
Dozier	Jones	O'Bannon	Wilson	
Edington	King			—25

Nays: —0

The Bill:

S. 225. To apply only in counties having populations of not less than 54,500 nor more than 56,000; according to the most recent federal decennial census; providing for payment of highway lighting out of the Public Highway and Traffic Fund in such counties.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 225, to-wit:

AMENDMENT TO S. B. 225

Amend the title by striking the figures "54,500" and inserting in lieu thereof "54,000".

Also amend by striking Section 1 in its entirety, and substituting therefor the following:

"Section 1. In all counties having populations of not less than 54,000 nor more than 56,000, according to the most recent federal decennial census, the County Governing Body is hereby authorized to pay for highway lighting out of the Public Highway and Traffic Fund in such counties."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pelham	
Bailes	Foshee	Lindsey	Pierce	
Branyon	Givhan	Littleton	Vacca	
Carr	Harris	Lybrand	Weaver	
Clark	Hawkins	McLain	Wilder	
Cook	Horne	Owen	Wilson	
Cooper	Jones			—25

Nays: —0

And said Bill, S. B. 225, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pelham	
Bailes	Foshee	Lindsey	Pierce	
Branyon	Givhan	Littleton	Vacca	
Carr	Harris	Noonan	Weaver	
Clark	Hawkins	O'Bannon	Wilder	
Cook	Horne	Owen	Wilson	
Cooper	Jones			—25

Nays: —0

The Bill:

S. 231. Proposing an amendment to the Constitution of Alabama to authorize the regulation of fees, commissions, percentages, allowances and compensation of county officers of Dale County, and the regulation of costs and charges of courts in said county.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	Pelham	
Clark	Foshee	Lybrand	Register	
Cook	Hammond	McLain	Vacca	
Cooper	Harris	Noonan	Weaver	
Dominick	Hawkins	O'Bannon	Wilder	
Dozier	Horne	Owen	Wilson	
Edington	Jones			—25

Nays: —0

The Bill:

S. 217. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than seven nor more than sixteen Circuit Judges.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Owen	
Bailes	Edington	Jones	Pelham	
Branyon	Gilmore	Littleton	Vacca	
Carr	Givhan	Lybrand	Weaver	
Clark	Hammond	McLain	Wilder	
Cook	Harris	Noonan	Wilson	
Cooper	Hawkins			—25

Nays: —0

The Bill:

S. 218. Fixing supplemental salaries of Circuit Judges in circuits composed of one county and having not less than seven nor more than sixteen Circuit Judges.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Harris	Noonan	
Bailes	Edington	King	Owen	
Branyon	Fine	Lindsey	Pelham	
Carr	Foshee	Littleton	Register	
Clark	Gilmore	Lybrand	Shelby	
Cook	Givhan	McLain	Vacca	
Cooper	Hammond			—25

Nays: —0

FURTHER CONSIDERATION OF S. J. R. 17

The Senate proceeded to further consideration of the Resolution, S. J. R. 17.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Turnham:

H. 420. To further amend Title 52, Section 6 of the Code of Alabama 1940, as amended, in relation to the composition of the state board of education and the terms of the members thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 420. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mrs. Wynot:

H. J. R. 141. DECLARING THAT THE LEGISLATIVE INTENT OF ACT. NO. 674, S. 91, APPROVED SEPTEMBER 4, 1951, INCLUDES THE RIGHT FOR TEACHERS IN COMPUTING NET INCOME FOR INCOME TAX PURPOSES, TO DEDUCT ALL ORDINARY AND NECESSARY EXPENSES INCURRED IN THE PURSUIT OF A MASTER'S OR SUBSEQUENT HIGHER DEGREE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weaver, the Rules were suspended and the Resolution, H. J. R. 141, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. J. R. 17

The Senate proceeded to further consideration of the Resolution, S. J. R. 17.

Mr. Bailes offered the following substitute for the Resolution, S. J. R. 17, to-wit:

SUBSTITUTE FOR S. J. R. 17

CREATION OF A HIGHWAY POLICY AND PLANNING COMMISSION

WHEREAS, the Joint Interim Study Committee on Highway Financing has recommended the creation of a Highway Policy and Planning Commission to establish a long-range financing program for federal, state, city and county highways; and

WHEREAS, such a commission will serve the best interests of the people of Alabama in studying current conditions, future needs, and present and projected sources of revenue for an expanded highway program; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Highway Policy and Planning Commission is hereby established, consisting of four Senators to be appointed by the Lieutenant Governor and five Representatives to be appointed by the Speaker of the House, the Lieutenant Governor, who shall be chairman of said commission, and the Speaker of the House. Said Commission shall meet at the call of the chairman. Nine members shall constitute a quorum. The first meeting shall be held within 30 days after the enactment of this resolution, at which time a secretary shall be employed by the Commission.

BE IT FURTHER RESOLVED, That the Commission shall prepare and submit an annual report to be submitted to the Governor and the Legislature on or before the first day of February of each year hereafter.

BE IT FURTHER RESOLVED, That the members of the Highway Policy and Planning Commission shall serve without pay, but shall receive their regular legislative per diem and expense allowance for each day spent in the performance of their duties except for the Lieutenant Governor provided that said commission shall not meet more than ten (10) calendars day in any one calendar year.

Which was adopted.

And said Resolution, S. J. R. 17, as thus amended by the substitute, was then lost.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 8. Creating a fiscal office for the Senate of the Alabama Legislature.

Mr. Dominick offered the following amendment to the Resolution, S. R. 8, to-wit:

AMENDMENT TO S. R. 8

Amend S. R. 8 by striking paragraphs 4 and 6 in their entirety and renumbering the remaining paragraphs accordingly.

Mr. Wilson moved that said amendment be laid on the table, which motion was lost.

Yeas 11; Nays 19.

Yeas:

Messrs.:	Cooper	Givhan	Pelham	
Branyon	Dozier	Hammond	Register	
Clark	Foshee	Owen	Wilson	—11

Nays:

Messrs.:	Edington	King	Noonan	
Bailes	Gilmore	Lindsey	O'Bannon	
Carr	Harris	Littleton	Shelby	
Cook	Hawkins	Lybrand	Vacca	
Dominick	Jones	McLain	Weaver	—19

And said amendment was then adopted.

Mr. Wilson offered the following amendment to the Resolution, S. R. 8, as amended, to-wit:

AMENDMENT TO S. R. 8 AS AMENDED

Amend Section 1 of S. R. 8 by deleting the sentence "His salary shall be fixed by such committee at an amount not to exceed \$22,500.00 per annum."

On motion of Mr. Dominick, said amendment was laid on the table.

Yeas 14; Nays 13.

Yeas:

Messrs.:	Edington	Hawkins	Shelby	
Bailes	Gilmore	King	Vacca	
Carr	Hammond	McLain	Wilder	
Dominick	Harris	O'Bannon		—14

Nays:

Messrs.:	Foshee	Noonan	Register	
Branyon	Givhan	Owen	Weaver	
Clark	Jones	Pelham	Wilson	
Cooper	Littleton			—13

Mr. Wilson then offered the following amendment to the Resolution, S. R. 8, as amended, to-wit:

AMENDMENT TO S. R. 8 AS AMENDED

Amend Section 1 of S. R. 8 by deleting "\$22,500.00" and substituting therefor "\$5,000.00".

ADJOURNMENT

At 7:17 P. M., Mr. Shelby moved that the Senate adjourn until Thursday, February 3, 1972, at 2 o'clock P. M.

Mr. Lybrand moved as a substitute motion that the Senate adjourn until Thursday, February 3, 1972, at 12 o'clock Noon, which motion was adopted, and at 7:20 P. M., pending further consideration of the Resolution, S. R. 8, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, February 3, 1972, at 12 o'clock Noon.

TWENTY-FIFTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 3, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles Norfleet, Curate, Church of the Ascension, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	Jones	Pelham	
Bailes	Fine	King	Pierce	
Branyon	Foshee	Lindsey	Register	
Carr	Gilmore	Littleton	Shelby	
Clark	Givhan	Lybrand	Vacca	
Cook	Hammond	McLain	Weaver	
Cooper	Harris	Noonan	Wilder	
Dominick	Hawkins	O'Bannon	Wilson	
Dozier	Horne	Owen		—34

JOURNAL

On motion of Mr. Pelham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Twenty-fourth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Pelham, leave of absence was granted Mr. Malone for today.

REPORTS OF COMMITTEES

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McCorquodale, Mims and Agee:

H. 196. To make a supplemental appropriation to the Alabama Cooperative Wildlife Research Unit at Auburn University from the Alabama Forestry Commission Fund and the Game and Fish Fund in the State Treasury.

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lyons, et al (with amendment):

H. 246. To amend further Section 1 of Act No. 47, Special Session 1961, (Acts 1961, p. 1904) as amended, which Act exempts certain religious, benevolent and civic institutions and organizations from taxation and licenses, so as to grant exemptions to St. Martin's in the Pines and the Alabama Heart Association.

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Baker, et al:

H. 258. To further amend Act No. 288, approved July 7, 1945, (General Acts 1945, p. 478), an Act providing for appointment and designation of Supernumerary Circuit Judges.

By Mr. Merrill:

H. 285. To provide for the control of and the procedure concerning purchases made by circuit judges of law books, equipment, robes and other materials and supplies reasonably necessary and essential for the operation of his office or court.

By Mr. St. John, et al:

H. 329. To appropriate \$15,000 to the Alabama Real Estate Commission for each of the fiscal years ending September 30, 1972 and September 30, 1973.

By Mr. Williams:

H. 378. To provide a full time Deputy District Attorney for the District Attorney of the Ninth Judicial Circuit of Alabama and to fix his duties and salary.

By Mr. Wallace, et al:

H. 380. To make a supplemental appropriation from the State General Fund to the Alabama Commission on Aging for the purpose of matching Federal Funds.

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Turnham (with substitute):

H. 420. To further amend Title 52, Section 6 of the Code of Alabama 1940, as amended, in relation to the composition of the state board of education and the terms of the members thereof.

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, Cauthen and Owens:

H. 422. To amend Act 171, H. 31, Special Session 1967, (Acts 1967, p. 218) which requires operators and passengers riding two wheel motorized vehicles to wear protective helmets, prescribes standards for helmets that may be worn, provides for testing such helmets, prohibits the sale in this state of substandard helmets, imposes responsibility on parents and guardians of juveniles in reference to compliance with the Act, and prescribes penalties so as to prescribe additional requirements.

Mr. Fine, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mims, Coshatt, Warren and Wood:

H. 272. To amend Section 5 of Act No. 202, Acts of Alabama, Regular Session, 1953, as amended by Act No. 653, Acts of Alabama, Regular Session, 1965.

By Messrs. Mims, Warren and Wood:

H. 274. To further amend Section 1 of Act No. 534, General Acts 1943, page 508, entitled "An Act to provide for deductions from penitentiary and hard labor sentences for good conduct;" to repeal Act No. 481, Acts of Alabama 1953, page 600, entitled "To provide for additional deductions from penitentiary and hard labor sentences as incentive to extra production" and to repeal all laws in conflict.

By Messrs. Mims, Warren and Wood:

H. 275. To create and establish a fund for the Board of Corrections to be used by the Commissioner of Corrections in paying certain administrative expenses in the general office and in the prisons and institutions under his supervision.

By Messrs. Mims, Warren and Wood:

H. 276. To amend Code of Alabama 1940, Title 42, Section 7, so as to allow a parolee to be discharged from parole with credit for good conduct and faithful performance of duties while on parole.

By Mr. St. John, et al:

H. 328. To amend further Sections 5 and 22 of Act No. 2485, S. 483, 1971 Regular Session, approved October 1, 1971, entitled "An Act To further amend Act No. 422 of the 1951 Regular Session of the Legislature of Alabama, as amended; to regulate through licensure the business, occupation, or calling of real estate brokers, and real estate salesmen; defining terms; creating the Alabama Real Estate Commission, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for obtaining a license to engage in such business, occupation, or calling, providing for the suspension or revocation of licenses issued; providing penalties for violations of this Act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws," so as to provide further for the qualification of licensees and to change the effective date of said Act to October 1, 1972.

By Mr. Stewart, et al:

H. 331. To amend § 42 of Title 46, Code of Alabama 1940, which section relates to persons who may practice as attorneys by authorizing senior law students to perform, without compensation, acts enumerated in said section.

Mr. Cooper, Chairman of the Standing Committee on Health, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owens:

H. 225. To amend Section 2 and Section 9 of Act No. 1516, Regular Session, 1971, so as to appropriate the fees received in Section 9.

By Mr. Owens:

H. 226. To amend Act No. 1590, Regular Session, 1971, so as to appropriate the fees received in Section 2.

By Mr. Owens:

H. 227. To amend Act No. 1594, Regular Session, 1971, so as to appropriate the fees received in Section 4 and Section 13 therein.

Mr. Wilson, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones (F):

H. 395. To amend Section 2 of Act No. 2052, S. 122, Legislature of 1971, Regular Session, approved August 26, 1971, which provides maximum finance charges for loans and credit sales, and regulates extensions of credit.

By Mr. Crowe, et al:

H. 294. To amend Section 2 of Act No. 2052 of the 1971 regular session of the legislature of Alabama relating to maximum finance charges for loans and credit sales and to increase the amount of a debtors earnings subject to garnishment under certain conditions.

Mr. Gilmore, Chairman of the Standing Committee on County Government, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hobbie:

H. 303. To amend further Act No. 999, H. 288, Regular Session 1969, (Acts 1969, p. 1855), as amended, which Act established a retirement system for peace officers, in order to redefine certain words and terms in said Act.

By Mr. Bowers, et al:

H. 335. To amend Section 587 of Title 37, Code of Alabama, 1940, as amended, relating to appeal from Recorder's Court.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cauthen, et al:

H. 299. To create a State Commission on Salaries for the purpose of assisting the Legislature in ascertaining the salaries or compensation of constitutional state officers, justices and judges of state courts and certain state officers, offices and positions; to provide for the composition of the Commission, for the terms of office, method of appointment, allowances and expenses of Commission members; to provide a method of filling vacancies; to authorize the members to select a Chairman; to provide for a Secretary of the Commission; to fix salaries or compensa-

tion for said state officers, justices, judges, offices and positions; to direct and empower the Commission to make findings of fact pertaining to the amounts of such salary or compensation; to provide for the filing of written reports of the results and determinations of each study conducted by the Commission; to provide for the alteration or rejection by Act of Legislature of the determinations made by the Commission; to provide for the effective date of the establishment of such salaries or compensation; to provide for the filing of any reports of the Commission with certain offices; to appropriate sufficient monies to pay for the salaries or compensation of the officers, offices and positions affected by this act, and the expenses of the Commission not to exceed \$10,000.00 each fiscal year.

By Mr. Therrell, et al:

H. 124. To amend Section 4 of Title 12 of the Code of Alabama of 1940, As Amended by an Act of the Legislature entitled, "To Amend Section 4 of Title 12 of the 1940 Code of Alabama," approved on September 19, 1949, and an Act of the Legislature entitled, "To Amend Title 12, Section 4, Code of Alabama, 1940, as amended pertaining to reports and remittances by tax collectors", approved September 23, 1959, to authorize depositories for county health funds.

By Messrs. Turner and Cottingham:

H. 190. To amend Act No. 1945, H. 584, of the Regular Session of 1971, which authorizes the County Commissions of the several counties to appoint a County Engineer or a Chief Engineer of the Division of Public Roads to provide for his compensation; to provide for the qualifications and duties; and to provide for State participation of the salary of said Engineer.

By Mr. Williams:

H. 216. To amend the title and Sections 2 and 4 of Act No. 4, S. 53, Regular Session 1969, (Acts 1969, p. 297) which Act permits corporations to pay a rate or rates of interest not to exceed 15% per annum on the loan or forbearance of money having an original principal balance of more than \$10,000 and less than \$100,000, and permits a corporation to pay such rates on loans in excess of \$100,000 as that corporation may determine under certain restrictions, in order to extend such loan provisions to general and limited partnerships.

By Mr. Grainger, et al:

H. 250. To further amend Sections 4, 10 and 15 of Act No. 784, H. 316, (page 1069) Acts of Alabama 1953 Regular Session, as amended, which provides for the regulation of fresh water commercial fishing and prescribes penalties for violations of said Act.

By Messrs. Pruitt, Jackson and Manley:

H. 259. To amend Section 89, Title 36, Code of Alabama 1940 as amended, relating to size and weight of vehicles and loads, so as to increase the permissible width of certain vehicles to eight feet, ten inches.

By Messrs. Hill and Flipppo:

H. 281. To provide for the alternative sentencing of minors, providing for the arraignment and trial as youthful offenders, admissibility of statements, disposition of youthful offenders, and the effect of a determination as a youthful offender.

By Messrs. Turner, Williams and Connell:

H. 284. Relating to taxation: Exempting nuclear fuel assemblies together with the nuclear materials contained therein and all reprocessed, recycled or residual nuclear fuel by-products, fissionable or otherwise used or useful in the production of electricity by persons regularly engaged in furnishing electricity to any person or persons from state, county and municipal taxes, licenses, fees and excises.

By Mr. McCorquodale, et al:

H. 312. To further amend Section 697 of Title 51 of the Code of Alabama of 1940, as heretofore amended, which relates to certain truck and truck tractor licenses.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Headley (with amendment):

H. 316. Proposing an amendment to the Constitution of Alabama to authorize the regulation of fees, commissions, percentages, allowances and compensation of county officers of Chilton, Dale and Jackson counties, and the regulation of costs and charges of courts in said counties.

The above Bill was read a second time at length as required by the Constitution.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones (F), et al:

H. 338. To amend further Section 2 of Act No. 470, S. 182, Regular Session 1969, (Acts 1969, v. 1, p. 912), as amended, so as to exempt persons working for institutions of higher learning which are under the control of boards of trustees from having to secure approval of the Governor for out of state travel; providing also that Alabama State University and all other institutions of higher learning which do not have a board of trustees are also included within the provisions of this Act.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCorquodale (with amendment):

H. 383. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 8(I) of such Act, so as to revise the qualifications of appraisers employed to review assessment systems.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, that said Committee, in Session,

had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McCorquodale:

H. 385. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 6 of such Act, so as to revise the qualifications of appraisers employed to review assessment systems.

By Mr. McCorquodale:

H. 386. To amend the Act proposed by H. B. 59 of the Third Special Session of 1971, (now in manuscript form), which said Act provides for the statewide property reappraisal program, by amending Section 13 of such Act, as to the use of funds to pay the cost of appraisal systems.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Turner and Cottingham (with substitute):

H. 393. To amend further Section 3 of Act No. 402, General Acts 1945, page 624, entitled "An Act relating to Aeronautics; providing for the promotion, encouragement, development and regulation thereof within this State; creating a State Department of Aeronautics consisting of a State Aeronautics Commission and a Director of Aeronautics; prescribing their respective duties and powers; providing for the transfer from the Alabama Aviation Commission to the Department of Aeronautics all properties, personnel and funds held by, and all matters and subjects handled by, said Aviation Commission; providing for an Aeronautics Department fund and an Airport Development Fund and making appropriations therefor; prescribing penalties and making uniform the law with reference to state development and regulation of aeronautics, as last amended .

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, Cauthen and Owens:

H. 431. To amend Act No. 22, H. 1, Regular Session 1953 (Acts 1953, p. 25), relating to the speed of motor vehicles on the state highways, so as to further regulate the speed of motor vehicles on highways included in the Interstate System.

By Mr. Harris, et al:

H. 435. To amend further "The Alabama G. I. and Dependents' Educational Benefit Act," Act No. 47, Regular Session 1951 (Acts of Alabama 1951, p. 259) to provide certain educational benefits to dependents, children and wives of members of the Armed Forces listed as missing in action and listed as prisoners of war.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on

the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lindsey:

S. 243. Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent Federal decennial census, providing the authority for the Judge of Probate in such counties to appoint his and/or her clerks to solemnize matrimony.

By Mr. Coshatt (with notice and proof):

H. 260. To alter, rearrange and extend the boundary lines and corporate limits of the City of Pell City in St. Clair County.

By Mr. McCorquodale (with notice and proof):

H. 314. To alter, extend and add to the limits of the Town of McIntosh in Washington County, Alabama so as to include within the corporate limits of said Town certain other territory in Washington County, Alabama contiguous to said Town and to describe the area so added to the said limits of the Town of McIntosh.

By Mr. Reed (T):

H. 352. Relating to counties having populations of not less than 11,500 nor more than 12,500, according to the most recent federal decennial census; providing an expense allowance and certain additional compensation for the coroner of such counties.

By Mr. Stubbs:

H. 390. Relating to counties having populations of not less than 36,500 nor more than 39,200; establishing the office of warrant clerk in each commissioners district in such county; and to provide for their appointment, tenure and compensation.

By Mr. Lang:

H. 392. To amend further the title and Section 1 of Act No. 8, H. 95, Special Session 1969 (Acts 1969, p. 21), as amended, which act provides for additional meetings of the county commission and for additional compensation and expense allowances for the members of said body, including the chairman or presiding judge of certain counties classified on a population basis.

By Mr. Reid (R):

H. 398. Relating to counties having a population of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to provide that the county commission may provide, by unanimous vote, an additional expense allowance to members of the county commission.

By Mr. Jones (F):

H. 399. To authorize and make provision for the incorporation in any municipality having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any subsequent Federal Decennial Census, of Authorities as public corporations for the purpose of promoting aviation in the counties in which such municipalities are

located through the provision of airport facilities; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance airport facilities; to confer on any such Authority the power of eminent domain; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any airport facilities or other property of such Authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such securities, and by a non-foreclosable mortgage and deed of trust on the facilities or property out of the revenues from which such securities are payable; to provide for constructive notice of any such pledge of revenues; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any airport facilities, or parts thereof, acquired by such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any airport facilities or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party, from all taxation in the state; to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from certain tort liability and from certain zoning regulations; to provide that certain employees of any such Authority shall be subject to and covered by any merit or civil service system applicable to the employees of the municipality by which its incorporation was authorized; and to provide for the dissolution of any such Authority and the disposition of its property.

By Mr. Kinsey:

H. 400. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Baldwin County to the list of counties to which the Act does not apply.

By Mr. Casey:

H. 404. Relating to counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent

federal decennial census; fixing the fee for the issuance of pistol permits by the sheriff; providing for deposit of fees in a Sheriff's Fund and providing for the use of such fund.

By Mr. O'Daniel:

H. 407. To amend Act No. 51, H. 55 of the Third Special Session of 1971, approved December 13, 1971, entitled "An Act, Relating to all counties having a population of not less than 30,000 nor more than 33,575; to provide further for the expenditure of pistol permit fees by the sheriff of such counties; to make the provisions of this Act retro-active."

By Mr. Cottingham:

H. 408. To apply only in counties having populations of not less than 54,500 nor more than 56,000; according to the most recent federal decennial census; providing for payment of highway lighting out of the Public Highway and Traffic Fund in such counties.

By Messrs. Hardin and Bassett:

H. 413. Relating to counties having a population of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census; authorizing the county commission, at its discretion, to provide an additional expense allowance of \$10.00 per meeting for each member of the board of registrars, board of equalization and jury commission.

By Messrs. Turnham and Brassell:

H. 414. To amend the title and Section 1 of Act No. 1626, H. 2235, Regular Session 1971, approved September 17, 1971, relating to a sheriff allowance for feeding prisoners in counties having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census so as to eliminate the sheriff fees and allowances for transporting insane and juvenile prisoners.

By Messrs. Lutz, King and Grainger:

H. 416. Providing for the election of a president and vice president of the city board of education to such boards in cities having a population of not less than 135,000 nor more than 180,000 according to the last or any subsequent federal decennial census.

By Messrs. Stewart, Merrill and Burgess:

H. 418. To apply only in counties having populations of not less than 100,000 nor more than 115,000; regulating the compensation of bailiffs serving the circuit courts of such counties.

By Mr. Owens:

H. 436. Relating to counties having a population of not less than 15,650 nor more than 16,200, according to the most recent federal decennial census; providing for the election of the associate members of the county governing body.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Senate Chamber
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor relative to an appointment to the Board of Trustees of Florence State University.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 2ND DAY OF FEBRUARY, 1972

To the Senate of Alabama
Senate Chamber
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following person on the Board of Trustees of Florence State University:

Mr. Laney L. West, Russellville, Alabama; From the Seventh Congressional District, for the term expiring September 9, 1983, succeeding Mr. H. G. Richards.

The above appointment is submitted for confirmation or for such action as you may deem right and proper.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Florence State University was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS

RESOLUTIONS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Resolution:

S. R. 8. Creating, establishing and providing for the operation of a fiscal office for the Senate of the Alabama Legislature,
as amended.

The question was on the amendment offered by Mr. Wilson, which said amendment is set out in the Journal of the Senate for the Twenty-fourth Legislative Day.

Mr. Wilson moved that further consideration of the Resolution, S. R. 8, as amended, be postponed until the next Legislative day. On motion of Mr. Dominick, the motion to postpone was laid on the table.

Yeas 18; Nays 11.

Yeas:

Messrs.:	Fine	Jones	O'Bannon	
Bailes	Gilmore	King	Pierce	
Cook	Hammond	Lindsey	Vacca	
Dominick	Harris	Lybrand	Wilder	
Edington	Hawkins	McLain		—18

Nays:

Messrs.:	Cooper	Givhan	Owen	
Branyon	Dozier	Littleton	Pelham	
Clark	Foshee	Noonan	Wilson	
				—11

The question recurred on the amendment offered by Mr. Wilson. On motion of Mr. Dominick, said amendment was laid on the table.

Yeas 22; Nays 8.

Yeas:

Messrs.:	Foshee	King	Owen	
Bailes	Gilmore	Lindsey	Pierce	
Cook	Hammond	Littleton	Vacca	
Dominick	Harris	Lybrand	Weaver	
Edington	Hawkins	McLain	Wilder	
Fine	Jones	O'Bannon		—22

Nays:

Messrs.:	Cooper	Givhan	Pelham	
Branyon	Dozier	Noonan	Wilson	
Clark				—8

And on motion of Mr. Dominick, said Resolution S. R. 8, as amended, was then adopted.

Yeas 19; Nays 10.

Yeas:

Messrs.:	Fine	Jones	McLain	
Bailes	Gilmore	King	O'Bannon	
Cook	Hammond	Lindsey	Pierce	
Dominick	Harris	Littleton	Vacca	
Edington	Hawkins	Lybrand	Wilder	
				—19

Nays:

Messrs.:	Cooper	Givhan	Pelham	
Branyon	Dozier	Noonan	Wilson	
Clark	Foshee	Owen		—10

Mr. Dominick moved that the Senate reconsider the vote by which the Resolution, S. R. 8, as amended, was adopted and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolutions, your signature thereto is requested.

H. 222. To make an appropriation for each year of the ensuing biennium from the general fund in the State Treasury to be used by the State Department of Pensions and Security to match federal funds for the purpose of paying the increase in benefits to the blind pursuant to Act No. 574 of the 1963 Regular Session of the Legislature, as amended by Act No. 2429, H. 2067 of the 1971 Regular Session.

Also:

H. J. R. 75. Setting up a Fire Ant Study Commission.

Also:

H. J. R. 141. Declaring that the legislative intent of Act No. 674, S. 91 approved September 4, 1951, includes the right for teachers in computing net income for income tax purposes, to deduct all ordinary and necessary expenses incurred in the pursuit of a Master's or subsequent higher degree.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolution with the original Senate Bill and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 22. Congratulating the Decatur High School Football Team.

Also:

S. 26. To provide that members of the Enforcement Division of the Public Service Commission designated in writing by the Public Service Commission shall have the powers of peace officers and deputy sheriffs in this State and may exercise such powers anywhere within the State.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Mr. Clark offered the following Senate Joint Resolution, to-wit:

S. J. R. 66. TO PROVIDE FOR WEIGHTED VOTES FOR EACH MEMBER OF THE HOUSE AND SENATE OF ALABAMA ACCORDING TO TOTAL NUMBER OF PERSONS RESIDING WITHIN THE DISTRICT THEY REPRESENT AND FURTHER ADJUSTING OF SAID VOTE FOLLOWING EACH DECENNIAL CENSUS.

WHEREAS, the Legislature of Alabama, both House and Senate now sitting was apportioned by decree of the U. S. District Court for the middle district of Alabama, Northern Division, in the case of *Sims v. Baggett*, 247 F. Supp. 96 (1965); and

WHEREAS, the only element of change in the areas of representation provided for by the above Federal Court is the population change in the various districts represented; and

WHEREAS, adjusting the value of each members vote to the population he now represents would render more perfect the previously decreed apportionment by the Federal Court; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, There is hereby provided weighted votes to each member of the House and Senate in accordance to the total number of persons residing within the district they represent; and it is further provided that the Clerk of the House and the Secretary of the Senate shall automatically reapportion the Legislature of Alabama after each federal decennial census by automatically figuring and proclaiming the weight of the vote that shall be cast by each member of the House and Senate of the Alabama Legislature, as follows:

A. The membership of the House of Representatives and the Senate of the Alabama Legislature shall remain distributed among the various House and Senate districts as presently provided for by decree of the U. S. District Court for the middle district of Alabama, Northern Division, in the case of *Sims v. Baggett*, 247 F. Supp. 96 (1965). Provided, however, that each member of the House and Senate shall cast a weighted vote on all issues coming before the Legislature.

The weight of the vote of the various members of the House of Representatives shall be a number equal to the ratio that the total population of each House District divided by the number of Representatives from that district bears to a figure equal to 1/106 of the total population of the State, said ratio to be expressed in a figure carried out three decimal places. (Example: If the total population of Alabama is 3,444,165 the figure equal to 1/106 is 32,492. If the House district in question has a total population of 56,566 and one Representative he shall cast a vote weighted at 1.742. If the House district in question has a population of 20,619 the Representative from that district shall cast a vote weighted at .635.)

The weight of the vote of the various members of the State Senate shall be a number equal to the ratio that the total population of each Senate district divided by the number of Senators from that district bears to a figure equal to 1/35 of the total population of the state, said ratio to be expressed in a figure carried out three decimal places.

B. After each future federal decennial census the Secretary of the Senate and the Clerk of the House shall, within 30 days after publication of the officially declared federal decennial census figures for this State, compute, publish and proclaim the weight of each vote of each member of the House of Representatives and Senate of the Alabama Legislature in accordance with the formula set forth in paragraph A of this resolution.

The Secretary of the Senate shall notify each member of the Senate and the Clerk of the House shall notify each member of the House of Representatives by registered mail, "Return Receipt Requested. Deliver to Addressee Only" of the weight to be given the vote of each member of the House and Senate of the Alabama Legislature.

C. The provisions of this Resolution shall become effective January 1, 1974, and the Secretary of the Senate and the Clerk of the House shall carry out the duties imposed upon them by paragraph B of this Resolution within 30 days after January 1, 1974.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 62. Commending Major General George R. Doster, Jr. on his distinguished career.

And on motion of Mr. Cook, the Resolution, S. R. 62, was then adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 127. Commending the Alabama Farm Bureau.

Mr. Lybrand offered the following amendment to the Resolution, H. J. R. 127, to-wit:

AMENDMENT TO H. J. R. 127

Before the last paragraph insert the following:

"Resolved further, that the Ad Valorem Classification Tax Bills, H. B. 56, H. B. 57, and H. B. 59 be named and shall forever be known as "The Alabama Farm Bureau Tax Bills" and that copies of this Resolution shall be forwarded to all daily newspapers in Alabama for publication."

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 19; Nays 9.

Yeas:

Messrs.:	Dozier	Littleton	Register
Branyon	Fine	Lybrand	Shelby
Clark	Foshee	Noonan	Weaver
Cook	Givhan	Owen	Wilder
Cooper	Hawkins	Pelham	Wilson

Nays:

Messrs.:	Dominick	King	Pierce
Bailes	Gilmore	Lybrand	Vacca
Carr	Jones		

—9

And on motion of Mr. Fine, said Resolution, H. J. R. 127, was indefinitely postponed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Bank, Jones (F), Culver, Robertson, Falkenburg, Parker (T), and Doss:

H. J. R. 140. CONGRATULATING THE MEMBERS OF THE ALABAMA ASSOCIATION OF NURSING STUDENTS FOR THEIR EFFORTS TO RENDER SERVICE TO STATE MENTAL HOSPITALS AND THEIR PATIENTS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailes, the Rules were suspended and the Resolution, H. J. R. 140, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 125. To fix a day for holding the election on certain constitutional amendments proposed at the Third Special Session of the Legislature of 1971.

And on motion of Mr. Clark, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 112. Relative to adjournment of the two Houses.

And on motion of Mr. Clark, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 62. Congratulating Livingston State University Football Team for winning the National Association of Intercollegiate Athletics Championship.

And on motion of Mr. Clark, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 3. Requesting the Alabama Department of Education to allow military personnel stationed in Alabama to take the General Education Development (GED) Test.

On motion of Mr. Horne, said Resolution was indefinitely postponed by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, to-wit:

Motion in Writing by Mr. Dominick amending Joint Rule 13.

And on motion of Mr. Dominick, said Motion in Writing was then adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

Motion in Writing by Mr. Owen amending Joint Rule 12.

The Rules Committee reported the following substitute for the Motion in Writing, to-wit:

COMMITTEE SUBSTITUTE NOTICE IN WRITING

Notice in writing having been given on the last legislative day, motion is now made to amend joint rule 12 of the two houses to read as follows:

12. All bills, except local bills and general bills of local application, that propose to amend an existing statute shall have the subject of the bill, independent of references to code sections, clearly expressed in the title, and shall have the new material to be inserted shown by underscored type. Any bill that does not comply with this or the immediately succeeding rule shall, upon request of any member, be returned to committee for compliance.

On motion of Mr. Owen, said substitute was laid on the table.

And said Motion in Writing was then adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 67. Congratulating Representative and Mrs. James D. Harris, Jr., on the birth of their daughter.

On motion of Mr. Clark, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 87. Congratulating the University of Nebraska Football Team and Head Coach Bob Devaney for their selection as the number one team in the Nation.

On motion of Mr. Clark, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 103. Congratulating the Elba High School Band for winning first place in the Peach Bowl Marching Contest in Atlanta, Georgia.

On motion of Mr. Dozier, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 104. Requesting that Act No. 407, H. 198, Regular Session 1971, approved August 6, 1971, be named the Timmons-Taylor-Lybrand Insurance Code Bill.

On motion of Mr. Cook, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 107. Congratulating Representative John Culver upon becoming a grandfather.

On motion of Mr. Pelham, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 20. To create a Joint Legislative Committee to Study and Investigate the Alabama Prison System.

Mr. Owen moved that further consideration of the Resolution, H. J. R. 20, be postponed for two Legislative days. On motion of Mr. Horne, the motion to postpone was laid on the table.

Yeas 15; Nays 14.

Yeas:

Messrs.:	Cooper	Hawkins	Lybrand
Bailes	Dominick	Horne	Pelham
Clark	Dozier	King	Shelby
Cook	Fine	Lindsey	Vacca

Nays:

Messrs.:	Givhan	McLain	Weaver
Branyon	Harris	Owen	Wilder
Carr	Jones	Pierce	Wilson
Foshee	Littleton	Register	

—14

Mr. Horn offered the following amendment to the Resolution, H. J. R. 20, to-wit:

AMENDMENT TO H. J. R. 20

Amend H. J. R. 20 as follows:

Amend Section 4 of H. J. R. 20 by deleting all words and figures following the word "services" in Section 4.

Which was adopted.

And on motion of Mr. Horne, said Resolution, as amended, was then concurred in and adopted by the Senate.

Yeas 21: Nays 6.

Yeas:

Messrs.:	Fine	King	Pelham
Bailes	Foshee	Lindsey	Shelby
Carr	Gilmore	Littleton	Vacca
Clark	Givhan	Lybrand	Weaver
Cooper	Hawkins	Noonan	Wilder
Dominick	Horne		

—21

Nays:

Messrs.:	Harris	Owen	Wilson
Branyon	Jones	Pierce	

—6

RESOLUTION

Mr. Clark offered the following Senate Joint Resolution, to-wit:

S. J. R. 67. BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES concurring, that the Acts of the Second and Third Special Sessions, 1971-72 be bound together.

On motion of Mr. Clark, the Rules were suspended and said Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 58. To amend Section 1 of Act No. 462, H. 833, Regular Session 1939 (Local Acts 1939, p. 277), as amended by Act No. 193, H. 556, Regular Session 1965 (Acts 1965, p. 276) (codified at Section 138), Title 62, Code of Alabama 1940, Recompiled 1958), which provides for the maintenance of law libraries in Jefferson County by authorizing the collection of a tax paid as a part of court costs in actions in Jefferson County courts; provides for the maintenance and expense of such funds, and provides for the method of use of such funds, by increasing

the tax from ten cents to twenty-five cents in each civil case filed in certain statutory inferior courts in Jefferson County (other than in the Birmingham Division).

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

Motion in Writing by Mr. Dominick adding a new Senate Rule relative to local bills.

The Rules Committee reported the following substitute for the Motion in Writing, to-wit:

COMMITTEE SUBSTITUTE MOTION IN WRITING

In accordance with the notice in writing filed on the last legislative day, I now move that the Rules of the Senate be amended by adding thereto the following new rule immediately after Rule 7 and by re-numbering the remaining rules accordingly:

"Rule 8. When no opposition is made to a local bill or a general bill of local application in the committee to which it was assigned, such committee when favorably reporting the bill shall recommend that it be put on the uncontested local bill calendar. On the next legislative day, after receiving their second reading, all such bills shall be placed on the uncontested local bill calendar, which shall then lay over for one legislative day on the desk of the secretary and then immediately before bills on any special order or on the regular calendar are taken up, the bills on the uncontested local bill calendar shall be read and all such bills shall then be adopted en masse by a single motion and a single vote. Any member may object to the inclusion of any specific bill in the en masse adoption of bills, and that specific bill will then be taken up separately immediately after the en masse vote. No lay over shall be required of such bills on the last legislative day of any session."

On motion of Mr. Dominick, said substitute was laid on the table.

Mr. Dominick then offered the following substitute for the Motion in Writing, to-wit:

MOTION IN WRITING

In accordance with the notice in writing filed on the last legislative day, I now move that the Rules of the Senate be amended by adding thereto the following new rule immediately after Rule 7 and by re-numbering the remaining rules accordingly:

"Rule 8. When no opposition is made to a local bill or a general bill of local application in the committee to which it was assigned, such committee when favorably reporting the bill shall recommend that it be put on the uncontested local bill calendar. On the next legislative day, after receiving their second reading, all such bills shall be placed on the uncontested local bill calendar, which shall then lay over for one legislative day on the desk of the secretary and then immediately before bills on any special order or on the regular calendar are taken up, the bills on the uncontested local bill calendar shall be read and all such bills shall then be acted upon forthwith. Any member may object to the inclusion of any specific bill and that specific bill will then be taken up separately immediately thereafter. No lay over shall be required of such bills on the last legislative day of any session."

On motion of Mr. Cooper, the Motion in Writing with pending substitute was laid on the table.

Yeas 17; Nays 11.

Yeas:

Messrs.:	Fine	Littleton	Register	
Branyon	Foshee	Noonan	Weaver	
Clark	Givhan	Owen	Wilder	
Cooper	Horne	Pelham	Wilson	
Dozier	Lindsey			—17

Nays:

Messrs.:	Cook	Hawkins	Pierce	
Bailes	Dominick	Jones	Shelby	
Carr	Gilmore	King	Vacca	—11

REPORT OF COMMITTEE OF CONFERENCE ON S. B. 92

We, the committee of conference appointed to reconcile the disagreement of the two houses concerning the House and Senate amendments to S. B. 92, have met in conference, considered the matter in conference, and have agreed to the following report:

1. We recommend that the House and Senate accept the bill as substituted with the exception that the attached amendment be adopted in lieu of the House Floor Amendment.

Conferees on the part of the House
 ROBERT GAFFORD
 PAUL MEEKS, JR.
 HORACE PARKER

Conferees on the part of the Senate
 TOM KING
 RICHARD DOMINICK
 GEORGE LEWIS BAILES, JR.

AMENDMENT TO THE SUBSTITUTE FOR S. B. 92:

Amend Section 1, Section 3 thereof, by deleting the clause beginning on the 13th line of Section 3, beginning with the words "provided further, that the board of" and ending with the words "persons as voters or electors;" and inserting in lieu thereof the following clause:

"provided further, that the board of registrars, upon petition of 25 or more resident citizens of any precinct who are eighteen years of age or over and who desire to be registered as voters or electors, shall meet at a regularly designated polling place or at such other place as selected by the board of registrars in such precinct of the county on any Thursday or Friday of any week for the purpose of registering qualified persons as voters or electors;"

CONFERENCE REPORT

On motion of Mr. Dominick, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the house amendment to the Bill:

S. 92. To amend Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, relating to the registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham
Bailes	Gilmore	Lybrand	Pierce
Carr	Hammond	McLain	Register
Clark	Harris	Noonan	Vacca
Cook	Hawkins	O'Bannon	Wilder
Dominick	Jones	Owen	Wilson
Edington	King		

—25

Nays:

—0

NOTICE IN WRITING

Mr. Dominick offered the following Notice in Writing, to-wit:

"NOTICE IN WRITING"

"Notice is hereby given that on the next legislative day, I will move that Senate Rule 33 be amended to read as follows:

"Rule 33. During the period between the end of a regular or special session and the convening of the next regular or special session, members may deliver bills and other proposed legislation to the Secretary with a designation thereon as to the session said measure is to be taken up. This shall be known as "pre-filing". Such measures shall be numbered by the Secretary in the order of receipt and otherwise processed for introduction when the regular or special session convenes. Pre-filed measures shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the next regular or special session. No bill or other proposed legislation shall, however, be pre-filed during the period between the end of the last regular session of the quadrennium and the following general election."

Which was read and ordered spread upon the Journal.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Messrs. Hightower, Edmonds, Williams, McCorquodale and Nolen and Mrs. Walter C. Givhan to the Livingston State University Board of Trustees.

On motion of Mr. Lindsey, the appointment of Honorable Counce B. Hightower, III to the Livingston State University Board of Trustees was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Owen	
Bailes	Dozier	Jones	Pelham	
Branyon	Fine	King	Register	
Carr	Foshee	Lindsey	Shelby	
Clark	Gilmore	Lybrand	Vacca	
Cook	Givhan	Noonan	Wilder	
Cooper	Harris			—25

Nays:

—0

On motion of Mr. Givhan, the appointment of Honorable Hugh Edmonds to the Livingston State University Board of Trustees was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Noonan	
Bailes	Fine	Jones	Owen	
Branyon	Foshee	King	Pelham	
Carr	Gilmore	Lindsey	Register	
Clark	Givhan	Littleton	Shelby	
Cook	Harris	Lybrand	Vacca	
Cooper	Hawkins	McLain	Wilder	
				—27

Nays:

—0

On motion of Mr. Lindsey, the appointment of Honorable Lee Williams to the Livingston State University Board of Trustees was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Noonan	
Bailes	Fine	Jones	Owen	
Branyon	Foshee	King	Pelham	
Carr	Gilmore	Lindsey	Register	
Clark	Givhan	Littleton	Shelby	
Cook	Harris	Lybrand	Vacca	
Cooper	Hawkins	McLain	Wilder	
				—27

Nays:

—0

On motion of Mr. Lindsey, the appointment of Honorable Joe C. McCorquodale, Jr. to the Livingston State University Board of Trustees was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Noonan
Bailes	Fine	Jones	Owen
Branyon	Foshee	King	Pelham
Carr	Gilmore	Lindsey	Register
Clark	Givhan	Littleton	Shelby
Cook	Harris	Lybrand	Vacca
Cooper	Hawkins	McLain	Wilder

—27

Nays:

—0

On motion of Mr. Lindsey, the appointment of Mrs. Walter C. Givhan to the Livingston State University Board of Trustees was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Noonan
Bailes	Fine	Jones	Owen
Branyon	Foshee	King	Pelham
Carr	Gilmore	Lindsey	Register
Clark	Givhan	Littleton	Shelby
Cook	Harris	Lybrand	Vacca
Cooper	Hawkins	McLain	Wilder

—27

Nays:

—0

On motion of Mr. Lindsey, the appointment of Honorable Charles Nolen to the Livingston State University Board of Trustees was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Noonan
Bailes	Fine	Jones	Owen
Branyon	Foshee	King	Pelham
Carr	Gilmore	Lindsey	Register
Clark	Givhan	Littleton	Shelby
Cook	Harris	Lybrand	Vacca
Cooper	Hawkins	McLain	Wilder

—27

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Drs. Galbraith and Strandell to the Mental Health Board of Trustees.

On motion of Mr. Bailes, the appointments of Drs. J. Garber Galbraith and Eric Strandell were confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Pelham
Bailes	Fine	King	Pierce
Branyon	Gilmore	Lindsey	Register
Carr	Givhan	McLain	Shelby
Cook	Harris	Noonan	Vacca
Cooper	Hawkins	Owen	Wilder
Dominick	Horne		

—25

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Messrs. Bateman, Mitchell and Brock to the Board of Examiners of Landscape Architects.

On motion of Mr. Pelham, the appointments of Honorable Robert S. Bateman, Honorable Holley A. Mitchell and Honorable Eugene C. Brock to the Board of Examiners of Landscape Architects were confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dominick	Hawkins	Owen
Bailes	Dozier	Horne	Pelham
Branyon	Fine	Jones	Register
Carr	Foshee	King	Shelby
Clark	Givhan	Littleton	Vacca
Cook	Harris	Noonan	Wilder
Cooper			

—24

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Sam I. Diamond as a member of the Alabama Securities Commission.

On motion of Mr. Pierce, the appointment of Honorable Sam I. Diamond as a member of the Alabama Securities Commission was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dominick	Horne	Pierce
Bailes	Dozier	Jones	Register
Branyon	Fine	King	Shelby
Carr	Foshee	Littleton	Vacca
Clark	Givhan	Noonan	Weaver
Cook	Harris	Owen	Wilder
Cooper	Hawkins	Pelham	

—26

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Messrs. Wimberly, Tupkelewicz, Pitts, Schottgen and Johnston to the Polygraph Examiners Board and Messrs. Parker and Hawkins as Advisory Consultants to the Polygraph Examiners Board.

On motion of Mr. Pelham, the appointments of Honorable Charles C. Wimberly, Sr., Honorable John A. Tupkelewicz, Honorable Jesse Herman Pitts, Honorable Frank B. Schottgen, Sr. and Honorable Cecil L. Johnston to the Polygraph Examiners Board and Honorable Thomas F. Parker and Honorable Rowland D. Hawkins as Advisory Consultants to the Polygraph Examiners Board were confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Pierce	
Bailes	Fine	King	Register	
Branyon	Foshee	Littleton	Shelby	
Carr	Givhan	McLain	Vacca	
Clark	Harris	Noonan	Weaver	
Cook	Hawkins	Owen	Wilder	
Cooper	Horne	Pelham		—26

Nays: —0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable T. T. Martin as a member of the Alabama Educational Television Commission.

On motion of Mr. Pelham, the appointment of Honorable T. T. Martin as a member of the Alabama Educational Television Commission was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dozier	King	Pierce	
Bailes	Fine	Littleton	Register	
Branyon	Givhan	Lybrand	Shelby	
Carr	Harris	McLain	Vacca	
Cook	Hawkins	Noonan	Weaver	
Cooper	Horne	Owen	Wilder	
Dominick	Jones	Pelham		—26

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Messrs. Wilson and Carr, further consideration of all Senate bills remaining on the Calendar was indefinitely postponed.

RESOLUTION

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 68. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the 25th Legislative Day only:

Bill No.	Page
H. B. 267	25 Fire Fighters
H. B. 302	37 Holding Company
H. B. 321	29 Election Bill
H. B. 320	30 Election Bill

Mr. Bailes offered the following substitute for the Resolution, S. R. 68, to-wit:

SUBSTITUTE FOR S. R. 68

RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Twenty-fifth Legislative Day only:

Bill No.	Page
H. 241	33
242	34
243	30
244	34
245	31

MOTION TO ADJOURN LOST

At 6:30 P. M., Mr. Shelby moved that the Senate adjourn until Friday, February 4, 1972, at 11 o'clock A. M., which motion was lost.

Yeas 13; Nays 18.

Yeas:

Messrs.:	Fine	Lindsey	Pierce
Bailes	Gilmore	Littleton	Shelby
Carr	Jones	Lybrand	Wilder
Dominick	King		
			—13

Nays:

Messrs.:	Dozier	Horne	Register
Branyon	Foshee	McLain	Vacca
Clark	Givhan	Noonan	Weaver
Cook	Harris	Owen	Wilson
Cooper	Hawkins	Pelham	—18

FURTHER CONSIDERATION OF S. R. 68

The Senate proceeded to further consideration of the Resolution, S. R. 68. The question was on the substitute offered by Mr. Bailes.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message From the Governor.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 2ND DAY OF FEBRUARY, 1972.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

This may well be my last message to you during this current special session. I urge you to put aside partisan politics and enact the needful and important legislation now pending before you. There is room for differences of opinion when we consider political philosophies, but there should be a unison of purpose when the public good is involved.

It is in the interest of the public generally, and especially for the less fortunate of our people, that you amend Act Number 2052, approved October 1, 1971, to reduce the rates of interest prescribed in said Act, commonly known as the Consumer or Mini-Code. This will inure to the benefit of those who are least able to earn a livelihood—the elderly, the handicapped, the disadvantaged, the poor and minority groups.

There is a critical, urgent and pressing necessity for the passage of the Alabama Insurance Holding Company System Regulatory Act to prevent the accumulation of economic power within a conglomerate set up involving insurance companies over which this State has no present control. The activities of these companies operate in such manner as to evade our laws and regulations to the detriment of policyholders and the public. They drain off the assets of companies by manipulation and the shifting of assets between affiliated corporations ultimately destroying these insurance companies or so impairing them as to call for receivership. The insurance industry as a whole suffers a loss of public confidence and the policyholders are left in a state of bewilderment wondering if their policies will pay off at the face amount or even one-half of that amount.

There is a loud clamor from the firefighters of Alabama for the passage of the bill establishing a firemen's pension fund. Alabama firefighters are brave and dedicated people. They are faithful public servants who in rendering invaluable service to their communities and State in protecting property, homes and families from the ravages of fire and other disasters often suffer permanent disabling injuries and risk death almost daily. This legislation is long over due.

There are other important bills that should have your attention and favorable consideration. I know you are tired and want to go home and the people of Alabama are also tired and want you to go home. You will be here only two more days. You will be better re-

ceived by your constituents back home if you will pass this needed legislation and adjourn sine die.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 63. Repealing S. J. R. 107 (Act No. 2227) of the 1971 Regular Session of the Legislature, creating and establishing an agency known as the Birmingham National Geological Monument Commission.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 33. Re-creating the Joint Interim Committee on Agriculture.

Also:

S. J. R. 64. CONGRATULATING THE MEMBERS OF THE ALABAMA ASSOCIATION OF NURSING STUDENTS FOR THEIR EFFORTS TO RENDER SERVICE TO STATE MENTAL HOSPITALS AND THEIR PATIENTS.

Also:

S. J. R. 50. CONGRATULATING OUR BELOVED GOVERNOR, GEORGE C. WALLACE, FOR HIS SELECTION AS ONE OF THE TEN MOST ADMIRABLE MEN IN THE WORLD TODAY.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. R. 68

The Senate proceeded to further consideration of the Resolution, S. R. 68. The question was on the substitute offered by Mr. Bailes.

Mr. Foshee offered the following amendment to the Bailes substitute for the Resolution, S. R. 68, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. R. 68

Amend substitute to S. R. 68 by adding "H. B. 267 on page 25" immediately before the figures "H. 241 on page 33".

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Senate Chambers
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor relative to appointments on the Mental Health Board of Trustees.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

February 3, 1972
To the Senate of Alabama
Senate Chambers
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following person on the Mental Health Board of Trustees:

Frank M. Moody, Reappointment for the 5th Congressional District for term expiring September 30, 1977.

James Geer, For the 5th Congressional District for the term expiring September 30, 1975, replacing Hilliard Aronov, deceased.

The above appointments are submitted for confirmation or for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

February 3, 1972.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments on the Mental Health Board of Trustees was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. R. 68

The Senate proceeded to further consideration of the Resolution, S. R. 68. The question was on the amendment offered by Mr. Foshee to the Bailes substitute for the Resolution, S. R. 68.

MOTION IN WRITING

Mr. Cooper offered the following Motion in Writing, to-wit:

"When we adjourn today, we adjourn to meet again at 12:01 A. M. Friday."

Which was read and referred to the Standing Committee on Rules.

ADJOURNMENT

Mr. Carr offered the following Motion in Writing, to-wit:

"I move the Senate adjourn until 12 noon Friday."

Which was adopted.

And at 8:22 P. M., on motion of Mr. Carr, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Friday, February 4, 1972, at 12 o'clock Noon.

Yeas 16; Nays 14.

Yeas:

Messrs.:	Gilmore	King	Register	
Bailes	Harris	Lindsey	Shelby	
Carr	Hawkins	Lybrand	Wilder	
Dominick	Jones	Pierce	Wilson	
Fine				—16

Nay:

Messrs.:	Dozier	Horne	Pelham	
Branyon	Foshee	McLain	Vacca	
Clark	Givhan	Noonan	Weaver	
Cooper	Hammond	Owen		—14

TWENTY-SIXTH LEGISLATIVE DAY

FRIDAY, FEBRUARY 4, 1972

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Senator L. D. Owen, Jr., from the Twenty-fifth Senatorial District.

ROLL CALL

Present:

Messrs.:	Edington	Jones	Owen	
Bailes	Fine	King	Pelham	
Branyon	Foshee	Lindsey	Pierce	
Carr	Gilmore	Littleton	Register	
Clark	Givhan	Lybrand	Shelby	
Cook	Hammond	McLain	Vacca	
Cooper	Harris	Malone	Weaver	
Dominick	Hawkins	Noonan	Wilder	
Dozier	Horne	O'Bannon	Wilson	—35

JOURNAL

On motion of Mr. Cooper, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Owens and Fite:

H. J. R. 132. THANKING MRS. ESTELLE DEAN FOR TWENTY-FIVE YEARS OF SERVICES.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Rules were suspended and the Resolution, H. J. R. 132, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Grainger, Lutz, King, Adams, Adwell, Agee, Baker, Bank, Barkett, Bassett, Benton, Boles, Boutwell, Bowers, Brassell, Burgess, Callahan, Carnes, Carter, Casey, Cauthen, Cherner, Chesnut, Collins, Connell, Coshatt, Cottingham, Crawford, Cross, Crowe, Culver, Dill, Doss, Downing, Drake, Easters, Edwards, Ellis, Erdreich, Falkenburg, Fite, Flipppo, Gafford, Gloor, Goodwin, Gray (F), Grey (D), Hale, Hardin, Harris, Headley, Hill, Hobbie, Jackson, Jones (E), Jones (F), Kinsey, Lang, Lyons, McBride, McCluskey, McCorquodale, McDonald, Manley, Mathews, May, Meeks, Merrill, Mims, Naramore, Nettles, O'Daniel, Owens, Parker (H), Parker (T), Perloff, Pruitt, Reed (T), Reid (R), Reynolds, Roberts, Robertson, St. John, Slate, Smith (K), Smith (P), Snell, Stewart, Stokes, Straiton, Stubbs, Taylor, Therrell, Timmons, Turner, Turnham, Waggoner, Waldrop, Wallace, Warren, Weeks, Williams, Wise, Wood, and Wynot:

H. J. R. 150. COMMENDING REPRESENTATIVE GLENN HEARN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Lybrand, the Rules were suspended and the Resolution, H. J. R. 150, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Pruitt and Manley:

H. J. R. 143. CONGRATULATING LIVINGSTON STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS CHAMPIONSHIP.

Also:

By Mr. Stokes:

H. J. R. 144. REQUESTING THAT ACT NO. 2431, H. 2569, REGULAR SESSION 1971, APPROVED OCTOBER 1, 1971, BE NAMED THE DOWNING ACT.

Also:

By Messrs. Mims and Headley:

H. J. R. 145. COMMENDING THE SECURITY PERSONNEL OF THE STATE BOARD OF CORRECTIONS FOR AN OUTSTANDING JOB AND FOR THEIR COOPERATION WITH THE MEMBERS OF THE LEGISLATURE DURING THEIR RECENT STUDY OF THE PENAL SYSTEM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Lindsey, the Rules were suspended and the Resolution, H. J. R. 143, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Noonan, the Rules were suspended and the Resolution, H. J. R. 144, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Lybrand, the Rules were suspended and the Resolution, H. J. R. 145, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Waggoner and McBride:

H. J. R. 133. COMMENDING BOB BROWN FOR WINNING ALL SOUTHEASTERN CONFERENCE HONORS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 133, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Weeks, Robertson, Parker (T), Bank and Culver:

H. J. R. 148. COMMENDING PAUL (BEAR) BRYANT AND RALPH (SHUG) JORDAN FOR THEIR WORK AND LEADERSHIP ON BEHALF OF ALABAMA'S MENTALLY HANDICAPPED AND NAMING THE CHAPEL AT BRYCE HOSPITAL THE BRYANT-JORDAN CHAPEL.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 148, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Collins, Bank, Robertson and Parker (T):

H. J. R. 147. COMMENDING REPRESENTATIVE JOHN L. CULVER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 147, the title of which is set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 140. Congratulating the members of the Alabama Association of Nursing Students for their efforts to render service to State Mental Hospitals and their patients.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

RESOLUTIONS

Messrs. Cooper and Lindsey offered the following Senate Resolution, to-wit:

S. R. 69. WHEREAS, Senator Albert B. Lewis of Brooklyn, New York has been quoted by the Associated Press as referring to the State of Alabama as a "co-conspirator" with criminals in the theft and re-sale of stolen automobiles, and;

WHEREAS, The Legislature of Alabama was recently ripped asunder by a Federal Court order and ordered reapportioned in a most chaotic and confusing manner under a reapportionment plan prepared by a Dr. David Valinsky of New York City; and

WHEREAS, The aforementioned Federal Court Order, which reapportions the Legislature of Alabama, defies logic description and will result in the further destruction of local government in Alabama; and

WHEREAS, Published reports indicate that 77,448 cases of automobile theft were reported in New York City alone in 1968 and that the number of such cases had increased to 94,835 in 1970; and

WHEREAS, The FBI report shows that the national average of car thefts per 100,000 persons were 453.5 while the same average for New York was 682.2 and the average for Alabama was only 223.5;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA, That it is the sense of the Senate of Alabama that there are ample problems within the State of New York to fully consume the energies of Senator Lewis and Dr. Valinsky. It is further belief of this body that the citizens of New York and Alabama would be better served if Senator Lewis and Dr. Valinsky would dedicate themselves to solving the countless problems which face the State of New York rather than attempting to interfere with matters which are the concern of the Legislature of Alabama;

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby instructed to send copies of this resolution to Senator Albert B. Lewis, Dr. David Valinsky, the Governor of New York, and the presiding officers of both houses of the New York Legislature.

Which was read and referred to the Standing Committee on Rules.

Messrs. Fine, Foshee, Bailes, Branyon, Carr, Clark, Cook, Cooper, Dominick, Dozier, Edington, Gilmore, Givhan, Hammond, Harris, Hawkins, Horne, Jones, King, Lindsey, Lybrand, McLain, Malone, Noonan, O'Bannon, Owen, Pelham, Pierce, Register, Shelby, Vacca, Weaver, Wilder and Wilson offered the following Senate Resolution, to-wit:

S. R. 70. WHEREAS, Miss Rhonda Littleton, the beautiful and talented daughter of Senator and Mrs. Obie J. Littleton, of Clanton, Alabama, has been selected Beauty Queen for the ninth grade class of Chilton County High School, and

WHEREAS, we, the members of the Senate, recognize the fact that Rhonda inherited her charm, beauty and talent from her mother, Mrs. Janette Littleton, we know she richly deserves this honor and will receive many more in the years to come; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, that we congratulate Miss Rhonda Littleton on being selected Beauty Queen of her class.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Miss Littleton.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Horne offered the following Senate Joint Resolution, to-wit:

S. J. R. 71. DECLARING THAT THE LEGISLATIVE INTENT OF ACT NO. 3, H. B. 4, PASSED IN THE SECOND SPECIAL SESSION OF 1971, WAS TO USE THE WORDING "CITY OF LANETT, ALABAMA" AS A REFERENCE POINT FOR THE PURPOSE OF SELECTING A SITE FOR THE BRANCH CAMPUS OF SOUTHERN UNION STATE JUNIOR COLLEGE

WHEREAS, Act No. 3, H. B. 4 of the Second Special Session of 1971 was passed by the Legislature, including an amendment to appropriate funds for the construction of a branch of Southern Union State Junior College at Lanett, Alabama;

WHEREAS, the wording of the amendment indicates that the branch is to be constructed in the "City of Lanett, Alabama", restricts the choice of available sites for the branch campus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislative intent of the amendment to Act No. 3, H. B. 4, approved in the Second Special Session of the 1971 Alabama Legislature, was to use the "City of Lanett, Alabama" as a reference point to indicate that the branch campus must be constructed within the police jurisdiction of Lanett but not necessarily confined to the corporate limits of the City of Lanett.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the State Superintendent of Education and the Attorney General of Alabama.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Dominick offered the following Motion in Writing, to-wit:

"MOTION IN WRITING"

"In accordance with the written notice given on the last legislative day, I now move that Senate Rule 33 be amended to read as follows:

"Rule 33. During the period between the end of a regular or special session and the convening of the next regular or special session, members may deliver bills and other proposed legislation to the Secretary. This shall be known as "pre-filing." Such measures shall have the session in which they are to be considered designated thereon, shall be numbered by the Secretary in the order of receipt and shall otherwise be processed for introduction when the designated regular or special session convenes. Pre-filed measures shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the designated regular or special session. No bill or other proposed legislation shall, however, be pre-filed during the period between the end of the last regular session of the quadrennium and the following general election."

Which was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 72. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the Twenty-sixth Legislative Day only:

All uncontested Local Bills and all uncontested General Bills with local application as they appear on the Calendar, and

<u>Bill No.</u>	<u>Page</u>	
H. 265	26	Mt. Meigs
H. 328	6 (sup)	Real Estate Comm.
H. 329	3 (sup)	Real Estate Comm.
H. 271	36	Board of Corrections
H. 273	36	Prisoner reform
H. 435	15 (sup)	Prisoner of war bill
H. 378	3 (sup)	D. A. 9th Jud. Circuit
H. 218	21	Farmers Mkt. Authority
H. 284	12 (sup)	Nuclear exemption
H. 258	2 (sup)	Supernumerary Circuit Judges
H. 281	11 (sup)	Youthful offenders
H. 230	28	Inspection fee

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Ellis:

H. J. R. 153. CONGRATULATING THE MINOR HIGH SCHOOL BAND FOR WINNING FIRST PLACE IN NATIONAL CONTEST IN THE PEACH BOWL MARCHING CONTEST IN ATLANTA, GEORGIA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. King, the Rules were suspended and the Resolution, H. J. R. 153, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

SPECIAL ORDERS BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first item of which was the Bill:

H. 257. Relating to counties having a population of not less than 65,500 nor more than 75,000 according to the 1970 or any subsequent federal decennial census; authorizing the establishment of a Local Gov-

ernment Study Commission; fixing the powers and duties of such commission; and providing for its membership.

And said Bill, H. B. 257, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	King	O'Bannon	
Bailes	Fine	Lindsey	Pelham	
Branyon	Foshee	Littleton	Pierce	
Carr	Gilmore	Lybrand	Register	
Clark	Givhan	McLain	Shelby	
Cook	Hammond	Malone	Vacca	
Cooper	Harris			—25

Nays: —0

The Bill:

H. 182. To alter, extend and rearrange the boundary lines of the City of Saraland, Mobile County, Alabama, so as to include within the corporate limits of the City all territory now within such corporate limits and also certain other territory in Mobile County, Alabama, contiguous to said City.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Jones	Noonan	
Carr	Gilmore	King	Pelham	
Clark	Givhan	Lindsey	Vacca	
Cook	Hammond	Littleton	Weaver	
Cooper	Harris	Lybrand	Wilder	
Dominick	Hawkins	McLain	Wilson	
Edington	Horne			—25

Nays: —0

The Bill:

H. 231. To alter and rearrange the boundaries between the cities of Mobile and Prichard so as to detach certain territory from the city of Mobile and annex the same to the City of Prichard.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Bailes	Givhan	Lindsey	Shelby	
Branyon	Hammond	Littleton	Vacca	
Carr	Harris	Lybrand	Weaver	
Clark	Hawkins	McLain	Wilder	
Cook	Horne	Noonan	Wilson	
Cooper	Jones			—25

Nays: —0

The Bill:

H. 359. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grimes, in Dale County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pelham
Clark	Foshee	McLain	Register
Cook	Gilmore	Malone	Vacca
Cooper	Harris	Noonan	Weaver
Dominick	Hawkins	O'Bannon	Wilder
Dozier	Horne	Owen	Wilson
Edington	Jones		

—25

Nays:

—0

The Bill:

H. 381. Relating to counties having a population of not less than 13,000 nor more than 13,250 according to the most recent federal decennial census; authorizing the county commission, at its discretion, to provide an additional expense allowance of \$10.00 per meeting for each member of the board of registrars.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	King	Pelham
Bailes	Givhan	Lindsey	Pierce
Branyon	Hammond	Littleton	Register
Carr	Harris	Noonan	Shelby
Dominick	Hawkins	O'Bannon	Vacca
Dozier	Horne	Owen	Wilson
Edington	Jones		

—25

Nays:

—0

The Bill:

H. 292. Relating to Sumter County; to regulate the insurance of certain public buildings within the county, together with the equipment, furniture, fixtures, and other property within such buildings; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pelham
Bailes	Foshee	McLain	Pierce
Branyon	Gilmore	Malone	Register
Carr	Givhan	Noonan	Weaver
Clark	Hammond	O'Bannon	Wilder
Cook	Jones	Owen	Wilson
Cooper	Lindsey		

—25

Nays:

—0

The Bill:

S. 243. Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent Federal decennial census, providing the authority for the Judge of Probate in such counties to appoint his and/or her clerks to solemnize matrimony.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Owen	
Carr	Gilmore	Lindsey	Shelby	
Clark	Givhan	McLain	Vacca	
Cook	Hammond	Malone	Weaver	
Cooper	Harris	Noonan	Wilder	
Dominick	Hawkins	O'Bannon	Wilson	
Dozier	Horne			—25

Nays: —0

The Bill:

H. 260. To alter, rearrange and extend the boundary lines and corporate limits of the City of Pell City in St. Clair County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Peiham	
Bailes	Fine	Lindsey	Pierce	
Carr	Foshee	Littleton	Register	
Cook	Harris	Lybrand	Shelby	
Cooper	Hawkins	McLain	Vacca	
Dominick	Horne	Owen	Wilson	
Dozier	Jones			—25

Nays: —0

The Bill:

H. 314. To alter, extend and add to the limits of the Town of McIntosh in Washington County, Alabama so as to include within the corporate limits of said Town certain other territory in Washington County, Alabama contiguous to said Town and to describe the area so added to the said limits of the Town of McIntosh.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Register	
Bailes	Foshee	McLain	Shelby	
Branyon	Gilmore	Malone	Vacca	
Carr	Givhan	Noonan	Weaver	
Clark	Hammond	O'Bannon	Wilder	
Dozier	Jones	Owen	Wilson	
Edington	Lindsey			—25

Nays: —0

The Bill:

H. 390. Relating to counties having populations of not less than 36,500 nor more than 39,200; establishing the office of warrant clerk in each commissioners district in such county; and to provide for their appointment, tenure and compensation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	King	Owen
Bailes	Fine	Littleton	Pelham
Branyon	Foshee	McLain	Pierce
Carr	Gilmore	Malone	Register
Clark	Givhan	Noonan	Shelby
Cook	Hammond	O'Bannon	Vacca
Cooper	Harris		

—25

Nays:

—0

The Bill:

H. 399. To authorize and make provision for the incorporation in any municipality having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any subsequent Federal Decennial Census, of Authorities as public corporations for the purpose of promoting aviation in the counties in which such municipalities are located through the provision of airport facilities; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance airport facilities; to confer on any such Authority the power of eminent domain; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any airport facilities or other property of such Authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such securities, and by a non-foreclosable mortgage and deed of trust on the facilities or property out of the revenues from which such securities are payable; to provide for constructive notice of any such pledge of revenues; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any airport facilities, or parts thereof, acquired by such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and co-operate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any airport facilities or other property to any such Authority; to exempt the property and income of any such Au-

thority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party, from all taxation in the state; to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from certain tort liability and from certain zoning regulations; to provide that certain employees of any such Authority shall be subject to and covered by any merit or civil service system applicable to the employees of the municipality by which its incorporation was authorized; and to provide for the dissolution of any such Authority and the disposition of its property.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lybrand	Pierce
Carr	Fine	McLain	Shelby
Clark	Foshee	Malone	Vacca
Cook	Hammond	Noonan	Weaver
Cooper	Harris	O'Bannon	Wilder
Dominick	Hawkins	Owen	Wilson
Dozier	Jones		

—25

Nays:

—0

The Bill:

H. 398. Relating to counties having a population of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to provide that the county commission may provide, by unanimous vote, an additional expense allowance to members of the county commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Owen
Bailes	Givhan	Lybrand	Shelby
Carr	Hammond	McLain	Vacca
Cook	Harris	Malone	Weaver
Cooper	Hawkins	Noonan	Wilder
Dominick	Horne	O'Bannon	Wilson
Dozier	Jones		

—25

Nays:

—0

The Bill:

H. 400. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Baldwin County to the list of counties to which the Act does not apply.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Bailes	Foshee	Littleton	Pierce	
Branyon	Gilmore	Lybrand	Register	
Carr	Givhan	McLain	Shelby	
Clark	Hammond	Malone	Vacca	
Cook	Harris	Owen	Weaver	
Cooper	King			—25

Nays:

—0

The Bill:

H. 404. Relating to counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits by the sheriff; providing for deposit of fees in a Sheriff's Fund and providing for the use of such fund.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	Lybrand	Pelham	
Clark	Hammond	McLain	Pierce	
Cook	Harris	Malone	Register	
Cooper	Hawkins	Noonan	Shelby	
Dominick	Horne	O'Bannon	Weaver	
Dozier	Jones	Owen	Wilson	
Edington	Littleton			—25

Nays:

—0

The Bill:

H. 407. To amend Act No. 51, H. 55 of the Third Special Session of 1971, approved December 13, 1971, entitled "An Act, Relating to all counties having a population of not less than 30,000 nor more than 33,575; to provide further for the expenditure of pistol permit fees by the sheriff of such counties; to make the provisions of this Act retroactive."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Bailes	Foshee	Littleton	Pierce	
Branyon	Gilmore	Malone	Register	
Carr	Hawkins	Noonan	Shelby	
Clark	Horne	O'Bannon	Vacca	
Dozier	Jones	Owen	Wilder	
Edington	King			—25

Nays:

—0

The Bill:

H. 408. To apply only in counties having populations of not less than 54,500 nor more than 56,000; according to the most recent federal

decennial census; providing for payment of highway lighting out of the Public Highway and Traffic Fund in such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dominick	Jones	Malone	
Bailes	Fine	King	Pelham	
Branyon	Foshee	Lindsey	Pierce	
Carr	Givhan	Littleton	Register	
Clark	Harris	Lybrand	Shelby	
Cook	Hawkins	McLain	Vacca	
Cooper	Horne			—25

Nays:

—0

The Bill:

H. 413. Relating to counties having a population of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census; authorizing the county commission, at its discretion, to provide an additional expense allowance of \$10.00 per meeting for each member of the board of registrars, board of equalization and jury commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Bailes	Foshee	McLain	Pierce	
Branyon	Hammond	Malone	Vacca	
Carr	Harris	Noonan	Weaver	
Clark	Hawkins	O'Bannon	Wilder	
Cook	Horne	Owen	Wilson	
Dozier	Jones			—25

Nays:

—0

The Bill:

H. 414. To amend the title and Section 1 of Act No. 1626, H. 2235, Regular Session 1971, approved September 17, 1971, relating to a sheriff allowance for feeding prisoners in counties having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census so as to eliminate the sheriff fees and allowances for transporting insane and juvenile prisoners.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Horne	Owen	
Bailes	Fine	King	Pelham	
Branyon	Foshee	Lindsey	Pierce	
Carr	Gilmore	Littleton	Register	
Clark	Givhan	Lybrand	Shelby	
Cook	Hammond	O'Bannon	Wilson	
Cooper	Harris			—25

Nays:

—0

The Bill:

H. 416. Providing for the election of a president and vice president of the city board of education to such boards in cities having a population of not less than 135,000 nor more than 180,000 according to the last or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	King	Owen	
Clark	Givhan	Lindsey	Shelby	
Cook	Hammond	Littleton	Vacca	
Cooper	Harris	McLain	Weaver	
Dominick	Hawkins	Noonan	Wilder	
Dozier	Horne	O'Bannon	Wilson	
Edington	Jones			—25

Nays:

—0

The Bill:

H. 418. To apply only in counties having populations of not less than 100,000 nor more than 115,000; regulating the compensation of bailiffs serving the circuit courts of such counties.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen	
Bailes	Fine	Lindsey	Pelham	
Branyon	Foshee	Lybrand	Pierce	
Carr	Harris	Malone	Register	
Cooper	Hawkins	Noonan	Shelby	
Dominick	Horne	O'Bannon	Vacca	
Dozier	Jones			—25

Nays:

—0

The Bill:

H. 392. To amend further the title and Section 1 of Act No. 3, H. 95, Special Session 1969 (Acts 1969, p. 21), as amended, which act provides for additional meetings of the county commission and for additional compensation and expense allowances for the members of said body, including the chairman or presiding judge of certain counties classified on a population basis.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Branyon	Fine	Lindsey	Pierce	
Clark	Foshee	Malone	Vacca	
Cook	Gilmore	Noonan	Weaver	
Cooper	Givhan	O'Bannon	Wilder	
Dominick	Horne	Owen	Wilson	
Dozier	Jones			—25

Nays:

—0

The Bill:

H. 265. To make appropriations from the Alabama Special Education Trust Fund in the State Treasury for the use and benefit of the Alabama Industrial School, Mt. Meigs, Alabama.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Owen
Bailes	Fine	King	Pelham
Branyon	Foshee	Lindsey	Pierce
Clark	Gilmore	Littleton	Register
Cook	Givhan	Lybrand	Vacca
Cooper	Hammond	Malone	Wilder
Dominick	Hawkins	Noonan	Wilson
Dozier	Horne	O'Bannon	

—30

Nays:

—0

The Bill:

H. 328. To amend further Sections 5 and 22 of Act No. 2485, S. 483, 1971 Regular Session, approved October 1, 1971, entitled "An Act To further amend Act No. 422 of the 1951 Regular Session of the Legislature of Alabama, as amended; to regulate through licensure the business, occupation, or calling of real estate brokers, and real estate salesmen; defining terms; creating the Alabama Real Estate Commission, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for obtaining a license to engage in such business, occupation, or calling, providing for the suspension or revocation of licenses issued; providing penalties for violations of this Act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws," so as to provide further for the qualification of licensees and to change the effective date of said Act to October 1, 1972.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Fine	King	Pelham
Bailes	Foshee	Lindsey	Pierce
Branyon	Gilmore	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cook	Hammond	McLain	Vacca
Cooper	Hawkins	Noonan	Wilder
Dominick	Horne	O'Bannon	Wilson
Edington	Jones	Owen	

—30

Nays:

—0

The Bill:

H. 329. To appropriate \$15,000 to the Alabama Real Estate Commission for each of the fiscal years ending September 30, 1972 and September 30, 1973.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Owen
Bailes	Foshee	King	Pelham
Branyon	Gilmore	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cooper	Hammond	McLain	Weaver
Dominick	Hawkins	Noonan	Wilder
Edington	Horne	O'Bannon	Wilson

—27

Nays:

—0

RESOLUTIONS

Mr. Register offered the following Senate Joint Resolution, to-wit:

S. J. R. 73. DECLARING THE LEGISLATIVE INTENT WITH REGARD TO ACT NO. 1885, S. 1209, 1971 REGULAR SESSION, APPROVED SEPTEMBER 17, 1971.

WHEREAS Act No. 1885, S. 1209, 1971 Regular Session, approved September 17, 1971, was a local act with regard to Dale County, and was advertised in Dale County and which mentions Dale County in the title, Sections 7 and 8 thereof, but through a typographical error contains the name of Houston County in Section 1; and

WHEREAS it was always the intent of the Legislature that this Act apply solely to Dale County, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do officially declare and ordain that it is the intent of this Legislature that Act No. 1885 S. 1209, 1971 Regular Session, approved September 17, 1971, apply solely to Dale County and that the words "Houston County" in Section 1 thereof are a typographical error and should be read "Dale County."

On motion of Mr. Register, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 338. To amend further Section 2 of Act No. 470, S. 182, Regular Session 1969, (Acts 1969, v. 1, p. 912), as amended, so as to exempt persons working for institutions of higher learning which are under the control of boards of trustees from having to secure approval of the Governor for out of state travel; providing also that Alabama State University and all other institutions of higher learning which do not have a board of trustees are also included within the provisions of this Act.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dominick	Hammond	Jones
Bailes	Dozier	Harris	King
Branyon	Fine	Hawkins	Lindsey
Cooper	Givhan	Horne	Littleton

Lybrand	O'Bannon	Pierce	Wilder	
McLain	Owen	Shelby	Wilson	
Noonan	Pelham	Weaver		—26
<i>Nays:</i>				—0

The Bill:

H. 271. Relating to the total rehabilitation of certain persons both male and female convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Noonan	
Bailes	Edington	Jones	O'Bannon	
Branyon	Fine	King	Owen	
Carr	Foshee	Lindsey	Pelham	
Clark	Givhan	Littleton	Pierce	
Cooper	Hammond	Lybrand	Weaver	
Dominick	Harris	Malone	Wilder	—27
<i>Nays:</i>				—0

The Bill:

H. 273. To amend Title 42, Section 8 of the Code of Alabama 1940, as amended, so as to liberalize the conditions under which prisoners may be given temporary paroles and furloughs.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	O'Bannon	
Bailes	Edington	Jones	Owen	
Branyon	Fine	King	Pelham	
Carr	Foshee	Lindsey	Pierce	
Clark	Gilmore	Littleton	Shelby	
Cook	Hammond	Lybrand	Wilder	
Cooper	Harris	McLain	Wilson	
Dominick	Hawkins	Noonan		—30
<i>Nays:</i>				—0

The Bill:

H. 435. To amend further "The Alabama G. I. and Dependents' Educational Benefit Act," Act No. 47, Regular Session 1951 (Acts of Alabama 1951, p. 259) to provide certain educational benefits to dependents, children and wives of members of the Armed Forces listed as missing in action and listed as prisoners of war.

Was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen
Bailes	Fine	Lindsey	Pelham
Branyon	Gilmore	Littleton	Pierce
Carr	Givhan	Lybrand	Register
Clark	Harris	McLain	Shelby
Cook	Hawkins	Malone	Vacca
Cooper	Horne	Noonan	Weaver
Dominick	Jones	O'Bannon	Wilder
Dozier			

—32

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 33. Re-creating the Joint Interim Committee on Agriculture.

Also:

S. J. R. 50. Congratulating Governor George C. Wallace for his selection as one of the ten most admired men in the world today.

Also:

S. J. R. 63. Repealing an Act creating the Birmingham National Geological Monument Commission.

Also:

S. J. R. 64. Congratulating members of the Alabama Association of Nursing Students for their efforts to render service to State Mental Hospitals and their patients.

JAMES S. CLARK,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 92. To amend Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, relating to the registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

and said bill, together with the Conference Report, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 198. To authorize the State Treasurer to withdraw from capital outlay funds the unexpended balance from the sum appropriated for such purposes, to Mt. Meigs Industrial School by Act No. 761, H. 622, Regular Session 1969, and to appropriate said balance to the school for operation and maintenance.

Also:

S. 169. To amend Section 8 of Act No. 159, S. 289, Regular Session, 1969 (Acts of Alabama 1969, Page 442) Approved July 10, 1969, entitled "An Act" Relating to displacement of individuals, families, farm operations, businesses and non-profit organizations; providing that payments may be made to them as a result of moving from their home, farm, or business due to acquisition of their property for highway construction purposes; providing that relocation moving payments be considered a part of highway construction; providing that the highway department may provide a relocation advisory assistance program in keeping with this Act; providing optional modes of payment to those displaced and covered under this Act; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; authorizing the Highway Director to adopt applicable federal rules and regulations to implement this Act and to comply with the relocation assistant provisions of the Federal-Aid Highway Act of 1968, and subsequent Federal Acts related thereto; repealing Section 39(2), Title 23, Code of Alabama 1940, recompiled 1958; to provide how this Act may be cited; and to provide a severability clause.

Also:

S. 170. Relating to highways; to control and regulate the erection and maintenance of outdoor advertising devices or signs on lands adjacent to the Federal-Aid Primary System and the National System of Interstate and Defense Highways in Alabama; to provide compensation for removal or relocation of advertising devices; to define terms; to issue permits and collect fees therefore; to provide for violations and penalties; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; to provide how this Act may be cited; and to provide a severability clause.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 111. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide for an annual expense allowance for the deputy district attorney of such counties.

Also:

S. 110. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census, to provide for an annual expense allowance for the judge of the inferior court of such counties.

Also:

S. 172. To amend Section 1 of Act No. 1002, Regular Session, 1971, of the Alabama Legislature, an act relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census, authorizing the constable serving the county court to appoint a deputy constable, and providing for the term, duties and compensation of such deputy constable.

Also:

S. 51. Relating to any county having a population of not less than 34,000 nor more than 34,800; to abolish the fine and forfeiture fund of such county; to provide for the payment of certain fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Also:

S. 171. Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties.

Also:

S. 174. Relating to counties having a population of not less than 21,924, nor more than 22,960, according to the most recent Federal Decennial Census; providing expense allowances for the members of the County Commission of said counties.

Also:

S. 220. To authorize and make provision for the incorporation in any municipality having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any subsequent Federal Decennial Census, of Authorities as public corporations for the purpose of promoting aviation in the counties in which such municipalities are located through the provision of airport facilities; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance airport facilities; to confer on any such Authority the power of eminent domain; to provide for

the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest bearing revenue securities, payable solely out of the revenues of any airport facilities or other property of such Authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such securities, and by a non-foreclosable mortgage and deed of trust on the facilities or property out of the revenues from which such securities are payable; to provide for constructive notice of any such pledge of revenues; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any airport facilities, or parts thereof, acquired by such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any airport facilities or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party, from all taxation in the state; to exempt every such Authority from all taxes, including license and excise taxes, levied by any county municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from certain tort liability and from certain zoning regulations; to provide that certain employees of any such Authority shall be subject to and covered by any merit or civil service system applicable to the employees of the municipality by which its incorporation was authorized; and to provide for the dissolution of any such Authority and the disposition of its property.

Also:

S. 217. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than seven nor more than sixteen Circuit Judges.

Also:

S. 218. Fixing supplemental salaries of Circuit Judges in circuits composed of one county and having not less than seven nor more than sixteen Circuit Judges.

Also:

S. 225. To apply only in counties having populations of not less than 54,000 nor more than 56,000; according to the most recent federal decennial census; providing for payment of highway lighting out of the Public Highway and Traffic Fund in such counties.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 378. To provide a full time Deputy District Attorney for the District Attorney of the Ninth Judicial Circuit of Alabama and to fix his duties and salary.

was taken up.

Mr. McLain offered the following substitute for the Bill, H. B. 378, to-wit:

SUBSTITUTE FOR H. B. 378

A BILL
TO BE ENTITLED
AN ACT

To provide a full time Deputy District Attorney for the District Attorney of the Ninth Judicial Circuit of Alabama and to fix his duties and salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney of the Ninth Judicial Circuit of Alabama may appoint a Deputy District Attorney, who shall be a state officer and serve at the pleasure of the District Attorney. He must be qualified by the courts of this state for the practice of law, and shall not engage in the private practice of law while serving as the Deputy District Attorney.

Section 2. In the absence of the District Attorney, his Deputy shall discharge his duties and exercise his authority, but only at the discretion of the District Attorney, The Deputy shall perform other duties and exercise such authority as may be prescribed by the District Attorney.

Section 3. The Deputy District Attorney shall receive an annual salary of thirteen thousand eight hundred dollars (\$13,800.00) payable from the state treasury in the same manner as the salaries of other state officers are paid.

Section 4. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Dozier offered the following amendment to the substitute for the Bill, H. B. 378, to-wit:

Amend the McLain substitute for H. B. 378 by adding the words "and Twelfth Judicial Circuit" immediately after the words "Ninth Judicial Circuit" wherever same appear in said Bill.

Mr. McLain moved that said amendment be laid on the table, which motion was lost.

Yeas 6; Nays 21.

Yeas:

Messrs.:
Clark

Harris
McLain

Noonan
Pelham

Shelby

Nays:

Messrs.:	Edington	King	Pierce
Bailes	Fine	Littleton	Vacca
Carr	Foshee	Lybrand	Weaver
Cook	Hawkins	Malone	Wilder
Cooper	Horne	O'Bannon	Wilson
Dozier	Jones		

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MOTION IN WRITING

Mr. O'Bannon offered the following Motion in Writing, to-wit:

"I move that we recess until 6:00 P. M."

"O'Bannon"

Which was lost.

Yeas 13; Nays 16.

Yeas:

Messrs.:	Dozier	Gilmore	Lybrand
Bailes	Edington	Lindsey	Malone
Carr	Fine	Littleton	O'Bannon
Cooper	Foshee		

—13

Nays:

Messrs.:	Harris	McLain	Vacca
Branyon	Hawkins	Noonan	Weaver
Clark	Horne	Owen	Wilder
Dominick	Jones	Pierce	Wilson
Givhan			

—16

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Owens:

H. J. R. 142. CREATING AN INTERIM COMMITTEE TO STUDY INSURANCE RATES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study insurance rates and premiums in this state. Such committee shall be composed of five members of the House of Representatives who shall be members of the House standing committee on insurance and who shall be appointed by the Speaker of the House and four members of the Senate who shall be members of the Senate standing committee on insurance and who shall be appointed by the Lieutenant Governor. The Committee shall select its own chairman and vice-chairman. Five members shall constitute a quorum.

It shall be the duty of the committee to meet as soon as practicable after the approval date of this resolution and upon the call of the chairman to study the existing programs of insurance which are available to citizens of this state, including but not limited to rates, premiums, benefits, services and all features relating to insurance coverage, with particular emphasis upon casualty line insurers furnishing liability and physical damage coverage. The committee shall further seek the advice,

assistance and cooperation of the State Insurance Department and representatives of the insurance industry to the end that state government and insurers may unite and coordinate their efforts in doing everything possible to up-grade insurance benefits at reduced costs for the citizens of Alabama.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day on which they are actually engaged in committee work. Such pay and expenses shall be paid out of any available funds appropriated for the use of the legislature. Provided, however, that in no event shall more than 10,000.00 be expended for the operations of said committee.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1973 Regular Session, whereupon the committee shall be dissolved.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 142, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF H. B. 378

The Senate proceeded to further consideration of the Bill, H. B. 378. The question was on the Dozier amendment to the McLain substitute for the Bill, H. B. 378.

Mr. Dozier requested and received unanimous consent to withdraw his amendment.

The question was then on the McLain substitute for the Bill, H. B. 378. On motion of Mr. Bailes, said substitute was laid on the table.

Yeas 22; Nays 2.

Yeas:

Messrs.:	Dominick	Givhan	Malone	
Bailes	Dozier	Hawkins	Noonan	
Carr	Edington	King	O'Bannon	
Clark	Fine	Littleton	Vacca	
Cook	Foshee	Lybrand	Wilson	
Cooper	Gilmore	McLain		—22

Nays: Messrs. Branyon, Harris —2

Mr. Bailes then offered the following substitute for the Bill, H. B. 378, to-wit:

SUBSTITUTE TO H. B. 378

A BILL TO BE ENTITLED AN ACT

To provide a full time Deputy District Attorney for the District Attorney of the Ninth Judicial Circuit of Alabama and to fix his duties and salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney of the Ninth Judicial Circuit of Alabama may appoint a Deputy District Attorney, who shall be a state officer and serve at the pleasure of the District Attorney. He must be qualified by the courts of this state for the practice of law, and shall not engage in the private practice of law while serving as the Deputy District Attorney.

Section 2. In the absence of the District Attorney, his Deputy shall discharge his duties and exercise his authority, but only at the discretion of the District Attorney. The Deputy shall perform other duties and exercise such authority as may be prescribed by the District Attorney.

Section 3. The Deputy District Attorney shall receive an annual salary of thirteen thousand eight hundred dollars (\$13,800.00) of which no more than \$5,700.00 shall be payable from the state treasury in the same manner as the salaries of other state officers are paid.

Section 4. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Cook, further consideration of the Bill, H. B. 378, and pending substitute, was postponed temporarily.

Yeas 18; Nays 11.

Yeas:

Messrs.:	Foshee	King	Shelby	
Branyon	Gilmore	O'Bannon	Vacca	
Clark	Harris	Owen	Weaver	
Cook	Hawkins	Pierce	Wilder	
Edington	Jones	Register		—18

Nays:

Messrs.:	Cooper	Hammond	McLain	
Bailes	Dozier	Lindsey	Malone	
Carr	Fine	Lybrand	Wilson	—11

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Snell:

H. J. R. 161. DECLARING THAT THE LEGISLATIVE INTENT OF ACT NO. 3 H.B. 4, PASSED IN THE SECOND SPECIAL SESSION OF 1971, WAS TO USE THE WORDING "CITY OF LANETT, ALABAMA" AS A REFERENCE POINT FOR THE PURPOSE OF SELECTING A SITE FOR THE BRANCH CAMPUS OF SOUTHERN UNION STATE JUNIOR COLLEGE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 161, the title of which is set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RECESS

At 4:45 P. M., on motion of Mr. Harris, the Senate took a recess until 7 o'clock this evening.

NIGHT SESSION

TWENTY-SIXTH LEGISLATIVE DAY

FRIDAY, FEBRUARY 4, 1972

The Senate re-assembled in the Senate Chamber, Lieutenant Governor Beasley presiding.

ROLL CALL

Present:

Messrs.:	Edington	Jones	Owen
Bailes	Fine	King	Pelham
Branyon	Foshee	Lindsey	Pierce
Carr	Gilmore	Littleton	Register
Clark	Givhan	Lybrand	Shelby
Cook	Hammond	McLain	Vacca
Cooper	Harris	Malone	Weaver
Dominick	Hawkins	Noonan	Wilder
Dozier	Horne	O'Bannon	Wilson

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FURTHER CONSIDERATION OF H. B. 378

The Senate proceeded to further consideration of the Bill, H. B. 378. The question was on the Bailes substitute.

Mr. Carr offered the following amendment to the substitute for the Bill, H. B. 378, to-wit:

AMENDMENT TO BAILES SUBSTITUTE FOR H. B. 378

Amend H. B. 378 as follows:

Strike Section I of said bill in its entirety and substitute therefor the following:

“Section I. The District Attorneys of the Ninth Judicial Circuit of Alabama and the Twenty-Seventh Judicial Circuit of Alabama may each appoint a Deputy District Attorney. Said Deputy District Attorneys must be qualified by the courts of this state for the practice of law, and shall not engage in the private practice of law while serving as Deputy District Attorneys.”

Further amend the bill by adding the letter “s” to the word “attorney” wherever such word appears in the bill.

Further amend H. B. 378 by amending the title thereof so that it shall read as follows:

"To provide a full-time Deputy District Attorney each for the Ninth Judicial Circuit and for the Twenty-seventh Judicial Circuit of Alabama and to fix their duties and salaries."

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 51. Relating to any county having a population of not less than 34,000 nor more than 34,800; to abolish the fine and forfeiture fund of such county; to provide for the payment of certain fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Also:

S. 92. To amend Section 3 of Act No. 695 adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, relating to the registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

Also:

S. 110. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census, to provide for an annual expense allowance for the judge of the inferior court of such counties.

Also:

S. 111. Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide for an annual expense allowance for the deputy district attorney of such counties.

Also:

S. 169. To amend Section 8 of Act No. 159, S. 289, Regular Session, 1969 (Acts of Alabama 1969, Page 442) Approved July 10, 1969, entitled "An Act" Relating to displacement of individuals, families, farm operations, businesses and non-profit organizations; providing that payments may be made to them as a result of moving from their home, farm, or business due to acquisition of their property for highway construction purposes; providing that relocation moving payments be considered a part of highway construction; providing that the highway department may provide a relocation advisory assistance program in keeping with this Act; providing optional modes of payment to those displaced and covered under this Act; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; authorizing the Highway Director to adopt applicable federal rules and regulations to implement this Act and to comply with the relocation assistant provisions of the Federal-Aid Highway Act of 1968, and subsequent Federal Acts related thereto; repealing Section 39(2), Title 23,

Code of Alabama 1940, recompiled 1958; to provide how this Act may be cited; and to provide a severability clause.

Also:

S. 170. Relating to highways; to control and regulate the erection and maintenance of outdoor advertising devices or signs on lands adjacent to the Federal-Aid Primary System and the National System of Interstate and Defense Highways in Alabama; to provide compensation for removal or relocation of advertising devices; to define terms; to issue permits and collect fees therefore; to provide for violations and penalties; authorizing the Highway Director to adopt rules and regulations to carry out the provisions of this Act; to provide how this Act may be cited; and to provide a severability clause.

Also:

S. 171. Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties.

Also:

S. 172. To amend Section 1 of Act No. 1002, Regular Session, 1971, of the Alabama Legislature, an act relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census, authorizing the constable serving the county court to appoint a deputy constable, and providing for the term, duties and compensation of such deputy constable.

Also:

S. 174. Relating to counties having a population of not less than 21,924, nor more than 22,960, according to the most recent Federal Decennial Census; providing expense allowances for the members of the County Commission of said counties.

Also:

S. 198. To authorize the State Treasurer to withdraw from capital outlay funds the unexpended balance from the sum appropriated for such purposes, to Mt. Meigs Industrial School by Act No. 761, H. 622, Regular Session 1969, and to appropriate said balance to the school for operation and maintenance.

Also:

S. 217. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than seven nor more than sixteen Circuit Judges.

Also:

S. 218. Fixing supplemental salaries of Circuit Judges in circuits composed of one county and having not less than seven nor more than sixteen Circuit Judges.

Also:

S. 220. To authorize and make provision for the incorporation in any municipality having a population of not less than 70,000 nor more than 135,000 inhabitants according to the last or any subsequent Federal Decennial Census, of Authorities as public corporations for the

purpose of promoting aviation in the counties in which such municipalities are located through the provision of airport facilities; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance airport facilities; to confer on any such Authority the power of eminent domain; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any airport facilities or other property of such Authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such securities, and by a non-foreclosable mortgage and deed of trust on the facilities or property out of the revenues from which such securities are payable; to provide for constructive notice of any such pledge of revenues; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any airport facilities, or parts thereof, acquired by such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any airport facilities or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party, from all taxation in the state; to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from certain tort liability and from certain zoning regulations; to provide that certain employees of any such Authority shall be subject to and covered by any merit or civil service system applicable to the employees of the municipality by which its incorporation was authorized; and to provide for the dissolution of any such Authority and the disposition of its property.

Also:

S. 225. To apply only in counties having populations of not less than 54,000 nor more than 56,000; according to the most recent federal decennial census; providing for payment of highway lighting out of the Public Highway and Traffic Fund in such counties.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Carnes, Wynot and Waldrop:

H. J. R. 139. PROVIDING THAT THE NEWLY CONSTRUCTED STUDENT CENTER AT GADSDEN STATE JUNIOR COLLEGE BE NAMED THE "JAMES C. INZER STUDENT CENTER".

Also:

By Messrs. Lyons and Perloff:

H. J. R. 138. MOURNING THE DEATH OF EDMOND CARL DECELLE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 139 and 138, the titles of which are set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, were again severally read and, on motion of Mr. Malone, the Rules were suspended and the Resolutions were concurred in and adopted by the Senate.

ADOPTION OF RESOLUTIONS

The following Resolutions:

By Mr. Crowe:

H. J. R. 128. Congratulating Representative Alvis Naramore upon becoming a grandfather.

Also:

By Mr. Ellis, et al:

H. J. R. 129. Congratulating Clettus Atkinson for winning the Ernie Pyle Memorial Award.

having been read by title and filed with the Secretary on the previous Legislative Day, were again read and, on motion of Mr. Malone, the Rules were suspended and the Resolutions were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Wallace, Weeks, Adams, Adwell, Baker, Barkett, Bassett, Benton, Boles, Bowers, Brassell, Burgess, Callahan, Carnes, Carter, Casey, Cherner, Chesnut, Collins, Connell, Coshatt, Cottingham, Crawford, Cross, Crowe, Dill, Doss, Downing, Easters, Edwards, Ellis, Erdreich, Falkenburg, Fite, Gafford, Goodwin, Grainger, Gray (F), Grey (D), Hale, Hardin, Harris, Headley, Hobbie, Jackson, Jones (E), Jones (F), King, Kinsey, Lang, Lutz, Lyons, McBride, May, Meeks, Merrill, Mims, Naramore, Nettles, O'Daniel, Owens, Parker (T), Reed (T), Reid (R), Reynolds, St. John, Slate, Smith (K), Smith (P), Snell, Stokes, Straiton, Stubbs, Taylor, Timmons, Turner, Turnham, Waggoner, Waldrop, Warren, Williams, Wise, Wynot:

H. J. R. 126. COMMENDING OLIN B. BROOKS FOR HIS CONTRIBUTION TO THE RAILROAD INDUSTRY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 126, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Malone, the Rules were suspended and the Resolution was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Stokes and Callahan:

H. J. R. 136. CONGRATULATING REPRESENTATIVE BERT NETTLES AND HIS WIFE, ELIZABETH, UPON THE BIRTH OF A BABY DAUGHTER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 136, the title of which is set out in the foregoing Message from the House, having been received and read by title on the previous Legislative Day, was again read and, on motion of Mr. Malone, the Rules were suspended and the Resolution was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 378

The Senate proceeded to further consideration of the Bill, H. B. 378. The question was on the Carr amendment to the Bailes substitute.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution.

H. J. R. 20. Relative to creating a Joint Legislative Committee to study and investigate the Alabama Prison system.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 182. To alter, extend and rearrange the boundary lines of the City of Saraland, Mobile County, Alabama, so as to include within the corporate limits of the City all territory now within such corporate limits and also certain other territory in Mobile County, Alabama, contiguous to said City.

Also:

H. 231. To alter and rearrange the boundaries between the cities of Mobile and Prichard so as to detach certain territory from the city of Mobile and annex the same to the City of Prichard.

Also:

H. 257. Relating to counties having a population of not less than 65,500 nor more than 75,000 according to the 1970 or any subsequent federal decennial census; authorizing the establishment of a Local Government Study Commission; fixing the powers and duties of such commission; and providing for its membership.

Also:

H. 260. To alter, rearrange and extend the boundary lines and corporate limits of the City of Pell City in St. Clair County.

Also:

H. 265. To make appropriations from the Alabama Special Education Trust Fund in the State Treasury for the use and benefit of the Alabama Industrial School, Mt. Meigs, Alabama.

Also:

H. 271. Relating to the total rehabilitation of certain persons both male and female convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections.

Also:

H. 273. To amend Title 42, Section 8 of the Code of Alabama 1940, as amended, so as to liberalize the conditions under which prisoners may be given temporary paroles and furloughs.

Also:

H. 292. Relating to Sumter County; to regulate the insurance of certain public buildings within the county, together with the equipment, furniture, fixtures, and other property within such buildings; and to repeal conflicting laws.

Also:

H. 328. To amend further Sections 5 and 22 of Act No. 2485, S. 483, 1971 Regular Session, approved October 1, 1971, entitled "An Act To further amend Act No. 422 of the 1951 Regular Session of the Legislature of Alabama, as amended; to regulate through licensure the business, occupation, or calling of real estate brokers, and real estate salesmen; defining terms; creating the Alabama Real Estate Commis-

sion, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for obtaining a license to engage in such business, occupation, or calling, providing for the suspension or revocation of licenses issued; providing penalties for violations of this Act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws," so as to provide further for the qualification of licensees and to change the effective date of said Act to October 1, 1972.

Also:

H. 329. To appropriate \$15,000 to the Alabama Real Estate Commission for each of the fiscal years ending September 30, 1972 and September 30, 1973.

Also:

H. 338. To amend further Section 2 of Act No. 470, S. 182, Regular Session 1969, (Acts 1969, v. 1, p. 912), as amended, so as to exempt persons working for institutions of higher learning which are under the control of boards of trustees from having to secure approval of the Governor for out of state travel; providing also that Alabama State University and all other institutions of higher learning which do not have a board of trustees are also included within the provisions of this Act.

Also:

H. 359. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grimes, in Dale County.

Also:

H. 381. Relating to counties having a population of not less than 13,000 nor more than 13,250 according to the most recent federal decennial census; authorizing the county commission, at its discretion, to provide an additional expense allowance of \$10.00 per meeting for each member of the board of registrars.

Also:

H. 390. Relating to counties having populations of not less than 36,500 nor more than 39,200; establishing the office of warrant clerk in each commissioners district in such county; and to provide for their appointment, tenure and compensation.

Also:

H. 392. To amend further the title and Section 1 of Act No. 8, H. 95, Special Session 1969 (Acts 1969, p. 21), as amended, which act provides for additional meetings of the county commission and for additional compensation and expense allowances for the members of said body, including the chairman or presiding judge of certain counties classified on a population basis.

Also:

H. 398. Relating to counties having a population of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census; to provide that the county commission may provide, by unanimous vote, an additional expense allowance to members of the county commission.

Also:

H. 400. To amend Section 18 of Act No. 403, H. 330, 1971 Regular Session, approved August 19, 1971, entitled "An Act Requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating for the administration of this Act a State Board of Barber Examiners, and defining violation of this Act and prescribing penalties therefor," so as to add Baldwin County to the list of counties to which the Act does not apply.

Also:

H. 404. Relating to counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; fixing the fee for the issuance of pistol permits by the sheriff; providing for deposit of fees in a Sheriff's Fund and providing for the use of such fund.

Also:

H. 407. To amend Act No. 51, H. 55 of the Third Special Session of 1971, approved December 13, 1971, entitled "An Act, Relating to all counties having a population of not less than 30,000 nor more than 33,575; to provide further for the expenditure of pistol permit fees by the sheriff of such counties; to make the provisions of this Act retroactive."

Also:

H. 408. To apply only in counties having populations of not less than 54,500 nor more than 56,000; according to the most recent federal decennial census; providing for payment of highway lighting out of the Public Highway and Traffic Fund in such counties.

Also:

H. 413. Relating to counties having a population of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census; authorizing the county commission, at its discretion, to provide an additional expense allowance of \$10.00 per meeting for each member of the board of registrars, board of equalization and jury commission.

Also:

H. 414. To amend the title and Section 1 of Act No. 1626, H. 2235, Regular Session 1971, approved September 17, 1971, relating to a sheriff allowance for feeding prisoners in counties having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census so as to eliminate the sheriff fees and allowances for transporting insane and juvenile prisoners.

Also:

H. 416. Providing for the election of a president and vice president of the city board of education to such boards in cities having a population of not less than 135,000 nor more than 180,000 according to the last or any subsequent federal decennial census.

Also:

H. 418. To apply only in counties having populations of not less than 100,000 nor more than 115,000; regulating the compensation of bailiffs serving the circuit courts of such counties.

Also:

H. 435. To amend further "The Alabama G. I. and Dependents' Educational Benefit Act," Act No. 47, Regular Session 1951 (Acts of Alabama 1951, p. 259) to provide certain educational benefits to dependents, children and wives of members of the Armed Forces listed as missing in action and listed as prisoners of war.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 20. To create a Joint Legislative Committee to study and investigate the Alabama Prison System.

Also:

H. J. R. 62. Congratulating Livingston State University football team for winning the National Association of Intercollegiate Athletics Championship.

Also:

H. J. R. 67. Congratulating Representative and Mrs. James D. Harris, Jr. on the birth of their daughter.

Also:

H. J. R. 87. Congratulating the University of Nebraska Football Team and Head Coach Bob Devaney for their selection as the number one team in the Nation.

Also:

H. J. R. 103. Congratulating the Elba High School Band for winning first place in the Peach Bowl marching contest in Atlanta, Georgia.

Also:

H. J. R. 104. Naming Act No. 407, H. 198, Regular Session 1971 the Timmons-Taylor-Lybrand Insurance Code Bill.

Also:

H. J. R. 107. Congratulating Representative John Culver upon becoming a grandfather.

Also:

H. J. R. 125. To fix a day for holding the election on certain constitutional amendments proposed at the Third Special Session of the Legislature of 1971.

Also:

H. J. R. 132. Thanking Mrs. Estelle Dean for 25 years of services.

Also:

H. J. R. 133. Commending Bob Brown for winning All South-eastern Conference honors.

Also:

H. J. R. 143. Congratulating Livingston State University football team for winning the National Association of Intercollegiate Athletics Championship.

Also:

H. J. R. 144. Requesting that Act No. 2431, H. 2569, Regular Session 1971, approved October 1, 1971, be named the Downing Act.

Also:

H. J. R. 145. Commending the security personnel of the State Board of Corrections for an outstanding job and for their cooperation with the members of the Legislature during their recent study of the penal system.

Also:

H. J. R. 148. Commending Paul (Bear) Bryant and Ralph (Shug) Jordan for their work and leadership on behalf of Alabama's mentally handicapped and naming the chapel at Bryce Hospital the Bryant-Jordan Chapel.

Also:

H. J. R. 150. Commending Representative Glenn Hearn.

Also:

H. J. R. 153. CONGRATULATING THE MINOR HIGH SCHOOL BAND FOR WINNING FIRST PLACE IN NATIONAL CONTEST IN THE PEACH BOWL MARCHING CONTEST IN ATLANTA, GEORGIA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Downing:

H. J. R. 165. COMMENDING MRS. RUTH C. METTEE ON HER ELECTION AS THE PRESIDENT OF THE ALABAMA RECREATION ASSOCIATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Noonan, the Rules were suspended and the Resolution, H. J. R. 165, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Mr. Warren:

H. J. R. 130. To repeal H. J. R. 223 of the 1971 Regular Session, approved September 16, 1971, which authorized additional staff for the presiding officers of each House of the Legislature and for the Legislative Committee of Public Accounts.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H. J. R. 223 of the 1971 Regular Session, approved September 16, 1971, is hereby repealed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 130, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 67. Relative to the Acts of the Second and Third Special Sessions, 1971-72 be bound together.

JOHN W. PEMBERTON,
Clerk.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 88. Creating a permanent joint legislative committee on reapportionment.

Mr. Bailes offered the following amendment to the Resolution, H. J. R. 88, to-wit:

AMENDMENT TO H. J. R. 88

Remove the period at the end of the last sentence and add the words and figures "up to a limit of \$5,000.00."

Which was adopted.

And on motion of Mr. Clark, said Resolution H. J. R. 88, as thus amended, was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 142. Creating an interim committee to study insurance rates.

Mr. Bailes offered the following amendment to the Resolution, H. J. R. 142, to-wit:

AMENDMENT TO H. J. R. 142

Amend H. J. R. 142 by striking therefrom the fourth paragraph of said resolution in its entirety.

Which was adopted.

And said Resolution, H. J. R. 142, as thus amended, was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 161. Declaring that the legislative intent of Act No. 3, H. B. 4, passed in the Second Special Session of 1971, was to use the wording "City of Lanett, Alabama" as a reference point for the purpose of selecting a site for the branch campus of Southern Union Junior College.

On motion of Mr. Wilder, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 85. To create an interim legislative committee to study the modernization of the Legislature and to authorize such committee to employ an independent agency to assist in such study.

The Standing Committee on Rules reported the following substitute for the Resolution, H. J. R. 85, to-wit:

SUBSTITUTE FOR H. J. R. 85

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

There is hereby created an Advisory Committee on the Alabama Legislature, the members of which shall be: the members of the House and Senate serving on the Legislative Council; three additional mem-

bers of the House appointed by the Speaker of the House; and three additional members of the Senate appointed by the President of the Senate.

The members of the Committee shall be appointed within 30 days after the effective date of this resolution. Within 15 days thereafter, the Committee shall meet and organize at a place in the City of Montgomery, on a day and at a time designated jointly by the President of the Senate and Speaker of the House.

The Committee is hereby authorized and directed to employ The Eagleton Institute of Politics, or such other public oriented institution of known and recognized competence as it may select, to conduct a broad and comprehensive study of the organization, facilities, functions and needs of the Legislature, with the goal of discovering and recommending ways and means of improving and strengthening the ability of the Legislature to fulfill its responsibilities to the electorate. The institution making the study shall make a final report of its findings, conclusions and recommendations to the Legislature no later than 30 days before commencement of the 1973 regular session of the Legislature. No more than \$30,000.00 may be expended in the employment of an institution to conduct such study. The Committee shall prepare the appropriate bills, constitutional amendments, rule changes and resolutions to implement the recommendations of said study and report and shall remain in existence until the last day of the 1973 regular session of the Legislature, for the purpose of encouraging the adoptions thereof, at which time the Committee shall be dissolved.

Legislative members of the Committee shall be entitled to their regular legislative pay and per diem expenses for each day in which they are actually engaged in committee work. The expenses of the Committee shall be paid from funds appropriated to the use of the Legislature on warrants drawn by the State Comptroller upon requisitions signed by the committee chairman. The Committee is authorized to accept contributions of funds and assistance from any source, on terms not inconsistent with this resolution, to aid in the financing of its work and otherwise in carrying out its purposes. All funds so received shall be paid into the General Fund of the State Treasury to the credit of a separate account for the Committee and shall be disbursed, for the purpose for which contributed, in the same manner as other funds appropriated for the Committee. The Clerk of the House and Secretary of the Senate shall furnish such clerical assistance as may be necessary for the satisfaction of the Committee's duties.

On motion of Mr. Bailes, the Resolution, H. J. R. 85, and pending substitute, were laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 126. Commending Olin B. Brooks for his contributions to the railroad industry.

Also:

H. J. R. 128. Congratulating Representative Alvis Naramore upon becoming a grandfather.

Also:

H. J. R. 129. CONGRATULATING CLETTUS ATKINSON FOR WINNING THE ERNIE PYLE MEMORIAL AWARD.

Also:

H. J. R. 136. Congratulating Representative Bert Nettles and his wife, Elizabeth, upon the birth of a baby daughter.

Also:

H. J. R. 138. Mourning the death of Edmond Carl DeCelle.

Also:

H. J. R. 139. Providing that the newly constructed Student Center at Gadsden State Junior College be named the "James C. Inzer Student Center."

Also:

H. J. R. 165. Commending Mrs. Ruth C. Mettee on Her Election as the President of the Alabama Recreation Association.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Donald Stewart:

H. J. R. 158. WHEREAS, Representative Donald Stewart was chief sponsor of House Bill 294, and

WHEREAS, Representative Stewart requested that his name be stricken from the bill after the substitute proposal by Representative Snell was adopted because he did not concur with the provisions of the substitute proposal, and

WHEREAS, through unavoidable error his name was not stricken from the bill and he desires that such be done, Representative Stewart respectfully requests that his name now be stricken from the bill and requests the Senate to comply with this request.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McLain, the Rules were suspended and the Resolution, H. J. R. 158, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Lutz, Grainger, Hearn, King and Hale:

H. J. R. 152. MOURNING THE DEATH OF J. D. CARROLL OF HUNTSVILLE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McLain, the Rules were suspended and the Resolution, H. J. R. 152, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Stokes, Downing, Wood, Callahan, Therrell, Collins and Lyons:

H. J. R. 160. HONORING ROBERT T. CUNNINGHAM OF MOBILE FOR BEING NAMED PRESIDENT OF THE INTERNATIONAL SOCIETY OF BARRISTERS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Noonan, the Rules were suspended and the Resolution, H. J. R. 160, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Flipppo:

H. J. R. 159. WHEREAS, Ronnie Flipppo was one of the sponsors of House Bill 294 as introduced in the House of Representatives, and

WHEREAS, this bill has been materially altered by the Substitute, and

WHEREAS, Mr. Flipppo was unavoidably absent at the time the changes were made, and

WHEREAS, Mr. Flipppo no longer concurs with the bill as substituted, he would like to respectfully request that his name be stricken as a sponsor of the bill and further requests that the Senate strike his name as a sponsor of the bill.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. O'Bannon, the Rules were suspended and the Resolution, H. J. R. 159, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Jones (F), and Taylor:

H. J. R. 156. COMMENDING MRS. VIRGINIA WELDON FOR A JOB WELL DONE AND OFFERING BEST WISHES ON HER RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Jones, the Rules were suspended and the Resolution, H. J. R. 156, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 67. Permitting the Acts of the Second and Third Special Session, 1971-72 to be bound together.

JAMES S. CLARK,
Chairman.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. B. 378

The Senate proceeded to further consideration of the Bill, H. B. 378. The question was on the Carr amendment to the Bailes substitute for the Bill, H. B. 378.

On motion of Mr. Harris, further consideration of the Bill and pending amendments, was indefinitely postponed.

RESOLUTIONS

Mr. Cooper offered the following Senate Joint Resolution, to-wit:

S. J. R. 74. WHEREAS, on June 30, 1967, the Governor of Alabama designated the State Board of Health as the single State agency to develop and administer the State Plan for Medical Assistance (Medicaid) in conformity with Title XIX of the Federal Social Security Act; and

WHEREAS, the State Department of Pensions and Security has heretofore administered assistance on behalf of needy persons in Intermediate Care Facilities under Title I, X, and XIV of the Social Security Act and has included the cost of such assistance in its budgeted appropriations; and,

WHEREAS, Public Law 92-233 approved on December 28, 1971, amended Title XIX of the Social Security Act effective January 1, 1972, to provide for inclusion of care in Intermediate Care Facilities under Medicaid in order to continue receipt of Federal matching funds; and

WHEREAS, in order to continue to provide assistance to the needy people of Alabama in Intermediate Care Facilities and to continue receipt of Federal matching funds therefor, it is necessary to also designate the State Board of Health as the single agency administering Medicaid, to administer the program providing for care in Intermediate Care Facilities, and to provide for the funding of said Intermediate Care Facility program;

NOW, THEREFORE, BE IT RESOLVED, by the Legislature of Alabama, both Houses thereof concurring:

1. That the State Board of Health is hereby authorized to develop and administer as part of the State Plan for Medical Assistance, the Intermediate Care Facilities program in conformity with Title XIX of the Federal Social Security Act.

2. That to implement the Intermediate Care Facilities program, the State Department of Pensions and Security shall assist in the orderly change-over and transfer of this program to the State Board of Health and shall place such funds as may be necessary to cover the cost of the Intermediate Care Facilities program, but not to exceed \$450,000 per quarter, into a special account with the State Comptroller and State Treasurer to be disbursed on the order of the State Board of Health and such funds shall be used for payments on behalf of public assistance recipients receiving intermediate care in Nursing Homes.

On motion of Mr. Cooper, the Rules were suspended and the Resolution was adopted by the Senate .

BILLS ON THIRD READING RESUMED

The Bill:

H. 380. To make a supplemental appropriation from the State General Fund to the Alabama Commission on Aging for the purpose of matching Federal Funds.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Bailes	Foshee	Littleton	Register	
Branyon	Gilmore	Lybrand	Shelby	
Carr	Givhan	McLain	Vacca	
Cook	Hammond	Malone	Weaver	
Dominick	Harris	Noonan	Wilder	
Dozier	Jones	O'Bannon	Wilson	
Edington	King	Owen		—30

Nays:

—0

The Bill:

H. 218. To make a supplemental appropriation to the Farmers Market Authority for the fiscal years ending September 30, 1972 and September 30, 1973.

Was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Dozier	Hawkins	Owen	
Bailes	Edington	Jones	Pelham	
Branyon	Fine	King	Register	
Carr	Foshee	Littleton	Shelby	
Clark	Gilmore	Lybrand	Vacca	
Cook	Givhan	Malone	Weaver	
Cooper	Hammond	Noonan	Wilder	
Dominick	Harris	O'Bannon	Wilson	

—31

Nays:

—0

RETURN OF BILL REQUESTED

On motion of Mr. Lindsey, the Secretary was directed to request the House to return the Bill, H. B. 314, to the Senate for further consideration.

BILLS ON THIRD READING RESUMED

The Bill:

H. 284. Relating to taxation: Exempting nuclear fuel assemblies together with the nuclear materials contained therein and all reprocessed, recycled or residual nuclear fuel by-products, fissionable or otherwise used or useful in the production of electricity by persons regularly engaged in furnishing electricity to any person or persons from state, county and municipal taxes, licenses, fees and excises.

Was read a third time at length and passed.

Yeas 30; Nays 2.

Yeas:

Messrs.:	Clark	Dozier	Hammond
Bailes	Cook	Fine	Hawkins
Branyon	Cooper	Gilmore	Jones
Carr	Dominick	Givhan	King

Lindsey	Malone	Pelham	Weaver	
Littleton	Noonan	Register	Wilder	
Lybrand	O'Bannon	Shelby	Wilson	
McLain	Owen	Vacca		—30
<i>Nays:</i>	Messrs. Foshee, Harris			—2

The Bill:

H. 258. To further amend Act No. 288, approved July 7, 1945, (General Acts 1945, p. 478), an Act providing for appointment and designation of Supernumerary Circuit Judges.

Was read a third time at length and passed.

Yeas 30; Nays 1.

Yeas:

Messrs.:	Fine	Littleton	Pierce	
Bailes	Foshee	Lybrand	Register	
Carr	Givhan	McLain	Shelby	
Clark	Hammond	Malone	Vacca	
Cook	Hawkins	Noonan	Weaver	
Cooper	Jones	O'Bannon	Wilder	
Dominick	King	Owen	Wilson	
Dozier	Lindsey	Pelham		—30
<i>Nay:</i>	Mr. Harris			—1

The Bill:

H. 281. To provide for the alternative sentencing of minors, providing for the arraignment and trial as youthful offenders, admissibility of statements, disposition of youthful offenders, and the effect of a determination as a youthful offender.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Bailes	Foshee	Lindsey	Pelham	
Branyon	Gilmore	Littleton	Register	
Carr	Givhan	Lybrand	Shelby	
Clark	Hammond	Malone	Vacca	
Cook	Hawkins	Noonan	Weaver	
Dominick	Jones	O'Bannon	Wilder	
Dozier				—28
<i>Nays:</i>				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate to return to the Senate for further consideration the bill:

H. 314. To alter, extend and add to the limits of the Town of McIntosh in Washington County, Alabama so as to include within the corporate limits of said Town certain other territory in Washington

County, Alabama contiguous to said Town and to describe the area so added to the said limits of the Town of McIntosh.

And sends same herewith to the Senate.

JOHN W. PEMBERTON,
Clerk.

BILL RECONSIDERED

On motion of Mr. Lindsey, the Senate reconsidered the vote by which the Bill, H. B. 314, was passed.

On motion of Mr. Lindsey, further consideration of the Bill, H. B. 314, was indefinitely postponed.

BILLS ON THIRD READING RESUMED

The Bill:

H. 230. To amend Section 1 of Act No. 1403, H. 46, approved September 17, 1971, entitled "An Act To provide for inspection of certain petroleum products, including those commonly known as gasoline, naphtha, diesel fuel, kerosene and lubricating oil, that are sold, offered for sale, used or stored in the State of Alabama; to provide for the issuance by the Commissioner of Agriculture and Industries of permits for selling, offering for sale, storing or using such petroleum products and to require the making of applications for such permits and payments of a permit fee; to authorize the Board of Agriculture and Industries to establish minimum standards for such petroleum products; to require compliance with such standards; to provide for enforcement of this act, including provisions for maintenance of records and for labeling, sampling and testing such products, provisions prohibiting adulteration thereof, and provisions for penalties for violation of this act; to prohibit the sale, offering for sale, storage or use in this State of petroleum products not meeting the said standards; to impose an inspection fee in respect of each such petroleum product; to provide for the disposition of such inspection fees and any penalties collected under this act; to provide that violation of this act constitutes a misdemeanor; and to repeal Article 21 of Chapter 1 of Title 2 of the Code of Alabama of 1940 and subdivision 2 of Article 26 of the said Chapter 1."

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following substitute for the Bill, H. B. 230, to-wit:

SUBSTITUTE FOR H. B. 230

A BILL TO BE ENTITLED AN ACT

To amend Sections 1, 3, 9, 10 and 12 of Act No. 1403, H. 46, approved September 17, 1971, entitled "An Act To provide for inspection of certain petroleum products, including those commonly known as gasoline, naphtha, diesel fuel, kerosene and lubricating oil, that are sold, offered for sale, used or stored in the State of Alabama; to provide for the issuance by the Commissioner of Agriculture and Industries of permits for selling, offering for sale, storing or using such petroleum prod-

ucts and to require the making of applications for such permits and payments of a permit fee; to authorize the Board of Agriculture and Industries to establish minimum standards for such petroleum products; to require compliance with such standards; to provide for enforcement of this act, including provisions for maintenance of records and for labeling, sampling and testing such products, provisions prohibiting adulteration thereof, and provisions for penalties for violation of this act; to prohibit the sale, offering for sale, storage or use in this State of petroleum products not meeting the said standards; to impose an inspection fee in respect of each such petroleum product; to provide for the disposition of such inspection fees and any penalties collected under this act; to provide that violation of this act constitutes a misdemeanor; and to repeal Article 21 of Chapter 1 of Title 2 of the Code of Alabama of 1940 and subdivision 2 of Article 26 of the said Chapter 1."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1403, H. 46, approved September 17, 1971, entitled "An Act To provide for inspection of certain petroleum products, including those commonly known as gasoline, naphtha, diesel fuel, kerosene and lubricating oil, that are sold, offered for sale, used or stored in the State of Alabama; to provide for the issuance by the Commissioner of Agriculture and Industries of permits for selling, offering for sale, storing or using such petroleum products and to require the making of applications for such permits and payments of a permit fee; to authorize the Board of Agriculture and Industries to establish minimum standards for such petroleum products; to require compliance with such standards; to provide for enforcement of this act, including provisions for maintenance of records and for labeling, sampling and testing such products, provisions prohibiting adulteration thereof, and provisions for penalties for violation of this act; to prohibit the sale, offering for sale, storage or use in this State of petroleum products not meeting the said standards; to impose an inspection fee in respect of each such petroleum product; to provide for the disposition of such inspection fees and any penalties collected under this act; to provide that violation of this act constitutes a misdemeanor; and to repeal Article 21 of Chapter 1 of Title 2 of the Code of Alabama of 1940 and subdivision 2 of Article 26 of the said Chapter 1," is hereby amended to read as follows:

"Section 1. Definitions. The following words and phrases, when used in this act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"'Gasoline' means gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, that are commonly used in internal combustion engines and are there ignited by electric spark.

"'Diesel fuel' means those products of petroleum that are commonly used in internal combustion engines and are there ignited by pressure and not by electric spark and that are of the types commonly referred to and known commercially as diesel fuel No. 1 and diesel fuel No. 2.

"'Kerosene' means that certain product of petroleum commonly referred to as kerosene and commonly used for illuminating, heating or cooking purposes, and other like products of petroleum used for the same purposes for which kerosene is commonly used, regardless of the actual purpose or purposes for which the said kerosene or other product may actually be used.

"'Lubricating oil' means those products of petroleum that are commonly used in lubricating or oiling engines, and any devices or substitutes for such products of petroleum.

"'Petroleum products' means gasoline, diesel fuel, kerosene and lubricating oil.

"'Commissioner' means the officer known as the Commissioner of Agriculture and Industries provided for in Article V of the Constitution of Alabama of 1901 and in Article 2 of Title 2 of the Code of Alabama of 1940, as amended.

"'Department' means the Department of Agriculture and Industries provided for in Chapter 1 of Title 2 of the Code of Alabama of 1940, as amended.

"'Board' means the Board of Agriculture and Industries provided for in Article 3 of Chapter 1 of Title 2 of the Code of Alabama of 1940, as amended.

"'State' means the State of Alabama.

"'Person' means any natural person, firm, partnership, association, corporation, receiver, trust, estate, or other entity, or any other group or combination thereof, acting as a unit.

"'Brand' means the trade name or other designation under which a particular petroleum product is sold, offered for sale, or otherwise identified.

"'Person First Selling' means any person as herein defined who first sells petroleum products in Alabama on which inspection fees are imposed by this act; unless such first sale is made to a reseller who elects in writing to qualify as a first seller by complying with the following provisions:

"(a) By making application which shall be approved by the commission of the Department of Agriculture and Industries, the reseller shall file with the Department of Agriculture and Industries a bond in an approximate amount equal to the average monthly inspection fee estimated by the commissioner of the Department of Agriculture and Industries which will be due by the reseller, provided that in no case shall the bond be less than two thousand five hundred dollars or more than five thousand dollars. The bond shall be in such form and amount as may be approved by the commissioner of the Department of Agriculture and Industries, shall be executed by a surety company licensed and duly authorized to do business in Alabama, shall be payable to the State of Alabama, and be conditioned upon the prompt filing of true reports, and the payment by the reseller to the Department of Agriculture and Industries of any and all inspection fees which are imposed by this act with respect to any petroleum products and which, but for the election made pursuant to this section, would be payable by the person from whom said petroleum products are purchased by the reseller, together with all penalties and interest thereon, and generally upon faithful compliance with the provisions of this act. In lieu of a guaranty bond, the reseller may post Alabama State coupon bonds, or United States government coupon bonds, under such terms, rules and regulations as may be approved by the commissioner of the Department of Agriculture and Industries."

"(b) In the event that liability upon any bond filed under the provisions of this act shall be discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the commissioner of the Department of Agriculture and Industries

any surety on the bond theretofore given shall become unsatisfactory or unacceptable, then the commissioner of the Department of Agriculture and Industries may require the filing of a new or additional bond conditioned as hereinabove provided, and in the event of the failure of any reseller, within ten days after written notice to it by the commissioner of the Department of Agriculture and Industries to file such new or additional bond, the commissioner of the Department of Agriculture and Industries shall cancel the permit issued to such reseller.

“(c) If upon a hearing had by the commissioner of the Department of Agriculture and Industries after five days written notice to any reseller the commissioner of the Department of Agriculture and Industries shall decide that the amount of any existing bond filed by any reseller is insufficient, the commissioner of the Department of Agriculture and Industries may order such reseller to file, within ten days after written notice by the commissioner of the Department of Agriculture and Industries to such reseller, a new or additional bond in such amount as the commissioner of the Department of Agriculture and Industries upon said hearing may find reasonably necessary to insure payment of all amounts due or to become due to the State of Alabama, conditioned as hereinabove provided, and if such new or additional bond is not filed within ten days after such notice from the commissioner of the Department of Agriculture and Industries, the commissioner of the Department of Agriculture and Industries may cancel the permit already issued to such reseller.

“(d) The commissioner of the Department of Agriculture and Industries may reduce the amount of any bond upon written application of any reseller if satisfied that a bond in a reduced amount will insure payment of all amounts due or to become due to the State of Alabama. The total amount of bond or bonds to be given by any reseller under this section shall in no event be less than two thousand five hundred dollars, nor more than five thousand dollars. Provided, however, that the commissioner of the Department of Agriculture and Industries may require such additional bond as may be deemed necessary to insure the prompt payment of all inspection fees on the sale or withdrawal of petroleum products, due or to become due the State by the reseller, but no demand for additional bond above five thousand dollars shall be made without first determining from a study of the reseller's financial statement which shall be supplied upon request of the commissioner of the Department of Agriculture and Industries, that such additional bond is necessary.

“(e) Any surety on any bond furnished by any reseller, as above provided, shall be released and discharged from any and all liability to the State of Alabama accruing on such bond after the expiration of sixty days from the date upon which surety shall have filed with the Department of Agriculture and Industries written request to be released and discharged, provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue before the expiration of said sixty day period. The commissioner of the Department of Agriculture and Industries shall promptly upon receipt of notice of such request notify the reseller who furnished such bond of the request of the surety on said bond, and unless such reseller shall, on or before the expiration of such sixty day period, file with the Department of Agriculture and Industries a new bond in the amount and form hereinbefore in this section provided, the commissioner of the Department of Agriculture and Industries shall forthwith cancel the permit of said reseller.

“The definitions hereinabove set forth shall be deemed applicable whether the words defined are herein used in the singular or plural.

"Any pronoun or pronouns used herein shall be deemed to include both singular and plural and to cover all genders."

Section 2. Section 3 of said Act No. 1403, H. 46, approved September 17, 1971, is hereby amended to read as follows:

"Section 3. Labelling requirement. Each person selling, offering for sale, storing or using in the State any petroleum product must label, or cause to be labelled, each tank car, tank, barrell, pump or other container in which such petroleum product is contained or marketed with the words "guaranteed legal standards", and with an additional word or words denoting the precise character of the petroleum product in the container so labelled. Each word in the said label shall be legibly printed in letters not less than one-half inch in height. An alternate manner for container and other labeling information as required hereunder may be prescribed by the board pursuant to rules and regulations which shall be consistent with the evident intent and purposes of this Section."

Section 3. Section 9 of said Act No. 1403, H. 46, approved September 17, 1971, is hereby amended to read as follows:

"Section 9. Inspection Fee. An inspection fee is hereby imposed and shall be collected in respect of petroleum products sold, offered for sale, stored or used in the State, the said fee to be measured by the number of gallons and to be at the following rates:

- (a) Gasoline: one-fortieth of one cent (1/40¢) per gallon,
- (b) Diesel fuel other than that referred to in clauses (e), (f), (g), and (h) of this section: one cent (1¢) per gallon,
- (c) Kerosene other than that referred to in clauses (e), (f), and (g) of this section: one cent, (1¢) per gallon,
- (d) Lubricating oil: fifteen cents (15¢) per gallon,
- (e) Kerosene or diesel fuel that are of the types customarily used as, and that are intended to be used only as, fuel to propel jet aircraft: one-fortieth of one cent (1/40¢) per gallon,
- (f) Kerosene or diesel fuel that is used by the ultimate consumer thereof as motor fuel to operate boats, yachts, ships or other maritime vehicles, whether said boats, yachts, ships or other maritime vehicles are used commercially or for pleasure: one-fortieth of one cent (1/40¢) per gallon,
- (g) Kerosene or diesel fuel used by the ultimate consumer thereof to propel or operate tractors which are not operated on public highways but which are used exclusively in preparing and cultivating land, harvesting any agricultural commodity, or for other agricultural purposes, including pasture and hay production; provided, however, that the term "tractors" as used herein shall not include automobiles, trucks, pick-ups, trailers, semi-trailers, or other such vehicles: one-fortieth of one cent (1/40¢) per gallon,
- (h) Diesel fuel that is of the types customarily used as, and that is intended to be used only as fuel to propel railroad locomotives: one-fortieth of one cent (1/40¢) per gallon. Diesel fuel of the types referred to in this clause (h) shall be inspected in a manner determined and prescribed by the Commissioner. It shall be the duty of the person first selling or storing or using any petroleum product in the state to pay said inspection fee. The inspection fee herein provided for shall be paid to the Commissioner on or before the 20th day of each month in respect of all petroleum products sold, stored or used in the state

during the preceding month, and each remittance shall be accompanied by a certificate stating that the amount remitted is correct and that the petroleum products so sold, stored or used are of standard not less than the minimum specified for that petroleum product in the standards prescribed by the board pursuant to Section 5 hereof. If, at the time the said inspection fee is due, the person liable therefor is unable to ascertain the correct amount of such inspection fee because the use to be made of any diesel fuel or kerosene with respect to which the said inspection fee is then due has not been or cannot be ascertained at such time, then such person shall pay to the Commissioner as the inspection fee payable with respect to such diesel fuel and kerosene, one cent (1¢) for each gallon of such diesel fuel and each gallon of such kerosene. Upon furnishing proof satisfactory to the Commissioner that all or any portion of such diesel fuel or kerosene with respect to which an inspection fee at the rate of one cent (1¢) per gallon has been paid or has been or will be used for a purpose or purposes specified in clauses (e), (f), (g) and (h) above, then such person shall be entitled to a credit against the amount of inspection fee becoming due from such person on the 20th day of the then next following calendar month, such credit to be in an amount equal to thirty-nine-fortieths of one cent (39/40¢) for each gallon of kerosene or diesel fuel proved to have been used or to be used for such specified purpose or purposes; provided, that should the credit to which a person is entitled hereunder exceed the amount of the inspection fee becoming due from such person on the 20th day of the then next following calendar month, then the excess of the credit over the amount of the inspection fee becoming due shall be refunded to such person, or, at such person's election, credited against the amount of any inspection fees subsequently becoming due from such person. The board shall have authority to promulgate rules and regulations with respect to the form and content of the proof of use which must be supplied by a person seeking such a credit or refund and with respect to the procedure to be followed in applying for such a credit or refund. The inspection fee herein provided for shall be paid but once with respect to the same product, but in the event any person fails to make payment as herein provided on or before the date such payment is due, the Commissioner shall add to the inspection fee already due an amount equal to 10% thereof as a penalty for the failure of such person to make such report and payment upon the date herein provided and shall proceed to collect such inspection fee, together with all costs incident to such collection, including the penalty. The inspection fee (and any penalty added thereto) shall constitute and operate as a lien, at all times until paid, upon any petroleum products sold or offered for sale or stored or used in the state by the person liable for the fee, and shall be immediately enforceable by the Commissioner when due in the same manner as are tax liens upon personal property of a delinquent taxpayer. The inspection fee provided for herein is in addition to all other fees and all taxes payable with respect to petroleum products. Notwithstanding anything to the contrary herein, no inspection fee or penalty shall be due or payable with respect to petroleum products which are sold or offered for sale or stored or used while they are in interstate or international commerce, but if after such petroleum products, are removed from interstate or international commerce, such petroleum products are sold or offered for sale or stored or used in the state, the fee herein provided for shall be payable with respect to such petroleum products. It is further provided that the board shall have authority to adopt the promulgate reasonable rules and regulations to effectuate the evident intent and purpose of this section with respect to reporting, collection, remittance and payments of the petroleum products inspection fees imposed hereunder which shall not conflict with any of the express provisions and requirements of said section."

Section 4. Section 10 of said Act No. 1403, H. 46, approved September 17, 1971, is hereby amended to read as follows:

"Section 10. Invoice of Sale. It shall be the duty of each person selling in or for importation into the state any petroleum product to notify the Commissioner in writing by mail or otherwise on the day of shipment or other delivery for transportation, or within twenty-four hours thereafter, of such sale and shipment or delivery. Such notice shall briefly describe the particular petroleum product and the number of gallons thereof and shall state the name and address of the person to which such products are sold, shipped, or delivered. The provisions of this section shall not apply to either of the following: (a) any person who is operating under a permit from the Commissioner. No sale or delivery of petroleum products shall be made from a tank, wagon, motor vehicle or delivery truck unless the driver in charge of said vehicle shall deliver to the person receiving such product an invoice that (i) shows the number of gallons of said product, (ii) has plainly written or stamped thereon the words "guaranteed legal standard", and (iii) states that the inspection fee payable with respect to such petroleum product has been paid."

Section 5. Section 12 of said Act No. 1403, H. 46, approved September 17, 1971, is hereby amended to read as follows:

"Section 12. (a) Violations, Penalties, Procedure. Any person who sells or offers for sale or stores or uses any petroleum product in the state which is below the legal standard, or who makes a false statement or certificate as to the quantity or standard of such petroleum product, or sells or offers for sale or stores or uses any petroleum product without having procured a permit as herein required, or fails to make any report to the Commissioner as herein required, or makes a false certificate of the number of gallons of such petroleum product sold or stored or used during the preceding month, or who otherwise violates or fails to comply with the provisions of this act, shall be guilty of a misdemeanor. The Commissioner may revoke the permit of any person found upon investigation to have sold or offered for sale or stored or used any petroleum product below the minimum standards adopted by the board pursuant to the provisions of this act, or who has failed or refused after ten days notice by registered mail of such delinquency, to pay the inspection fee required by this act. The holder of any permit that may be revoked pursuant to the provisions of this section shall have the right, upon request of such holder, to a hearing before the Commissioner, at which such holder may appear personally or by legal representative, and he may appeal from the decision of the Commissioner by filing in the Circuit court of Montgomery County, Alabama, In Equity, a petition for an injunction against the Commissioner. In the event such an injunction is sought, sufficient bond shall be filed with the Court and conditioned as the law now provides relative to injunction bonds. The findings of the Commissioner shall be presumed to be correct.

"(b) Restraining and Enjoining Violations. In addition to penalty and other enforcement provisions of this Act and notwithstanding the existence of an adequate remedy at law, the Circuit Court In Equity or other court of like jurisdiction shall have jurisdiction and for cause shown to grant a temporary or permanent injunction, or both, restraining and enjoining any person from violation or continuing to violate any requirements of this Act declared to be unlawful under (b) of this Section, and any such person may also be restrained and enjoined from selling or offering for sale or storing or using any petroleum product without having a permit as required by this Act, or from selling, distributing, offering for sale, storing or using in this State any petroleum

product upon which the inspection fee imposed by this Act is not paid, or from otherwise violating any of the provisions and requirements of this Act. Said injunction shall be issued without bond. Any action commenced hereunder shall be brought in the name of the State of Alabama upon the relation of the Attorney General."

Section 6. Severability. The provisions of this Act are severable. If any provision or part of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Section 7. Effective Date. The provisions of this Act shall become effective on March 1, 1972.

On motion of Mr. Jones, said substitute was laid on the table.

Messrs. Jones and Pierce offered the following substitute for the Bill, H. B. 230, to-wit:

SUBSTITUTE FOR H. B. 230

A BILL TO BE ENTITLED AN ACT

To amend Sections 1, 3, 9, 10 and 12 of Act No. 1403, H. 46, approved September 17, 1971, entitled "An Act To provide for inspection of certain petroleum products, including those commonly known as gasoline, naphtha, diesel fuel, kerosene and lubricating oil, that are sold, offered for sale, used or stored in the State of Alabama; to provide for the issuance by the Commissioner of Agriculture and Industries of permits for selling, offering for sale, storing or using such petroleum products and to require the making of applications for such permits and payments of a permit fee; to authorize the Board of Agriculture and Industries to establish minimum standards for such petroleum products; to require compliance with such standards; to provide for enforcement of this act, including provisions for maintenance of records and for labeling, sampling and testing such products, provisions prohibiting adulteration thereof, and provisions for penalties for violation of this act; to prohibit the sale, offering for sale, storage or use in this State of petroleum products not meeting the said standards; to impose an inspection fee in respect of each such petroleum product; to provide for the disposition of such inspection fees and any penalties collected under this act; to provide that violation of this act constitutes a misdemeanor; and to repeal Article 21 of Chapter 1 of Title 2 of the Code of Alabama of 1940 and subdivision 2 of Article 26 of the said Chapter 1."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1403, H. 46, approved September 17, 1971, entitled "An Act To provide for inspection of certain petroleum products, including those commonly known as gasoline, naphtha, diesel fuel, kerosene and lubricating oil, that are sold, offered for sale, used or stored in the State of Alabama; to provide for the issuance by the Commissioner of Agriculture and Industries of permits for selling, offering for sale, storing or using such petroleum products and to require the making of applications for such permits and payments of a permit fee; to authorize the Board of Agriculture and Industries to establish minimum standards for such petroleum products; to require compliance with such standards; to provide for enforcement of this act, including provisions for maintenance of records and for labeling,

sampling and testing such products, provisions prohibiting adulteration thereof, and provisions for penalties for violation of this act; to prohibit the sale, offering for sale, storage or use in this State of petroleum products not meeting the said standards; to impose an inspection fee in respect of each such petroleum product; to provide for the disposition of such inspection fees and any penalties collected under this act; to provide that violation of this act constitutes a misdemeanor; and to repeal Article 21 of Chapter 1 of Title 2 of the Code of Alabama of 1940 and subdivision 2 of Article 26 of the said Chapter 1," is hereby amended to read as follows:

"Section 1. Definitions. The following words and phrases, when used in this act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"'Gasoline' means gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, that are commonly used in internal combustion engines and are there ignited by electric spark.

"'Diesel fuel' means those products of petroleum that are commonly used in internal combustion engines and are there ignited by pressure and not by electric spark and that are of the types commonly referred to and known commercially as diesel fuel No. 1 and diesel fuel No. 2; provided, however, "diesel fuel" shall not mean any petroleum product used in firing steam boilers or combustion generating turbines by compression.

"'Kerosene' means that certain product of petroleum commonly referred to as kerosene and commonly used for illuminating, heating or cooking purposes, and other like products of petroleum used for the same purposes for which kerosene is commonly used, regardless of the actual purpose or purposes for which the said kerosene or other product may actually be used; provided, however, "kerosene" shall not mean any petroleum product used in firing steam boilers or combustion generating turbines by compressions.

"'Lubricating oil' means those products of petroleum that are commonly used in lubricating or oiling engines, and any devices or substitutes for such products of petroleum.

"'Petroleum products' means gasoline, diesel fuel, kerosene and lubricating oil.

"'Commissioner' means the officer known as the Commissioner of Agriculture and Industries provided for in Article V of the Constitution of Alabama of 1901 and in Article 2 of Title 2 of the Code of Alabama of 1940, as amended.

"'Department' means the Department of Agriculture and Industries provided for in Chapter 1 of Title 2 of the Code of Alabama of 1940, as amended.

"'Board' means the Board of Agriculture and Industries provided for in Article 3 of Chapter 1 of Title 2 of the Code of Alabama of 1940, as amended.

"'State' means the State of Alabama.

"'Person' means any natural person, firm, partnership, association, corporation, receiver, trust, estate, or other entity, or any other group or combination thereof, acting as a unit.

"'Brand' means the trade name or other designation under which a particular petroleum product is sold, offered for sale, or otherwise identified.

"'Person First Selling' means any person as herein defined who first sells petroleum products in Alabama on which inspection fees are imposed by this act; unless such first sale is made to a reseller who elects in writing to qualify as a first seller by complying with the following provisions:

"(a) By making application which shall be approved by the commissioner of the Department of Agriculture and Industries, the reseller shall file with the Department of Agriculture and Industries a bond in an approximate amount equal to the average monthly inspection fee estimated by the commissioner of the Department of Agriculture and Industries which will be due by the reseller, provided that in no case shall the bond be less than two thousand five hundred dollars or more than five thousand dollars. The bond shall be in such form and amount as may be approved by the commissioner of the Department of Agriculture and Industries, shall be executed by a surety company licensed and duly authorized to do business in Alabama, shall be payable to the State of Alabama, and be conditioned upon the prompt filing of true reports, and the payment by the reseller to the Department of Agriculture and Industries of any and all inspection fees which are imposed by this act with respect to any petroleum products and which, but for the election made pursuant to this section, would be payable by the person from whom said petroleum products are purchased by the reseller, together with all penalties and interest thereon, and generally upon faithful compliance with the provisions of this act. In lieu of a guaranty bond, the reseller may post Alabama State coupon bonds, or United States government coupon bonds, under such terms, rules and regulations as may be approved by the commissioner of the Department of Agriculture and Industries."

"(b) In the event that liability upon any bond filed under the provisions of this act shall be discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the commissioner of the Department of Agriculture and Industries any surety on the bond theretofore given shall become unsatisfactory or unacceptable, then the commissioner of the Department of Agriculture and Industries may require the filing of a new or additional bond conditioned as hereinabove provided, and in the event of the failure of any reseller, within ten days after written notice to it by the commissioner of the Department of Agriculture and Industries to file such new or additional bond, the commissioner of the Department of Agriculture and Industries shall cancel the permit issued to such reseller.

"(c) If upon a hearing had by the commissioner of the Department of Agriculture and Industries after five days written notice to any reseller the commissioner of the Department of Agriculture and Industries shall decide that the amount of any existing bond filed by any reseller is insufficient, the commissioner of the Department of Agriculture and Industries may order such reseller to file, within ten days after written notice by the commissioner of the Department of Agriculture and Industries to such reseller, a new or additional bond in such amount as the commissioner of the Department of Agriculture and Industries upon said hearing may find reasonably necessary to insure payment of all amounts due or to become due to the State of Alabama, conditioned as hereinabove provided, and if such new or additional bond is not filed within ten days after such notice from the commissioner of the Department of Agriculture and Industries, the commissioner of the Department of Agriculture and Industries may cancel the permit already issued to such reseller.

"(d) The commissioner of the Department of Agriculture and Industries may reduce the amount of any bond upon written applica-

tion of any reseller if satisfied that a bond in a reduced amount will insure payment of all amounts due or to become due to the State of Alabama. The total amount of bond or bonds to be given by any reseller under this section shall in no event be less than two thousand five hundred dollars, nor more than five thousand dollars. Provided, however, that the commissioner of the Department of Agriculture and Industries may require such additional bond as may be deemed necessary to insure the prompt payment of all inspection fees on the sale or withdrawal of petroleum products, due or to become due the State by the reseller, but no demand for additional bond above five thousand dollars shall be made without first determining from a study of the reseller's financial statement which shall be supplied upon request of the commissioner of the Department of Agriculture and Industries, that such additional bond is necessary.

"(e) Any surety on any bond furnished by any reseller, as above provided, shall be released and discharged from any and all liability to the State of Alabama accruing on such bond after the expiration of sixty days from the date upon which surety shall have filed with the Department of Agriculture and Industries written request to be released and discharged, provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue before the expiration of said sixty day period. The commissioner of the Department of Agriculture and Industries shall promptly upon receipt of notice of such request notify the reseller who furnished such bond of the request of the surety on said bond, and unless such reseller shall, on or before the expiration of such sixty day period, file with the Department of Agriculture and Industries a new bond in the amount and form hereinbefore in this section provided, the commissioner of the Department of Agriculture and industries shall forthwith cancel the permit of said reseller.

"The definitions hereinabove set forth shall be deemed applicable whether the words defined are herein used in the singular or plural.

"Any pronoun or pronouns used herein shall be deemed to include both singular and plural and to cover all genders."

Section 2. Section 3 of said Act No. 1403, H. 46, approved September 17, 1971, is hereby amended to read as follows:

"Section 3. Labeling requirement. Each person selling, offering for sale, storing or using in the State any petroleum product must label, or cause to be labelled, each tank car, tank, barrel, pump or other container in which such petroleum product is contained or marketed with the words "guaranteed legal standards", and with an additional word or words denoting the precise character of the petroleum product in the container so labelled. Each word in the said label shall be legibly printed in letters not less than one-half inch in height. An alternate manner for container and other labeling information as required hereunder may be prescribed by the board pursuant to rules and regulations which shall be consistent with the evident intent and purposes of this Section."

Section 3. Section 9 of said Act No. 1403, H. 46, approved September 17, 1971, is hereby amended to read as follows:

"Section 9. Inspection Fee. An inspection fee is hereby imposed and shall be collected in respect of petroleum products sold, offered for sale, stored or used in the State, the said fee to be measured by the number of gallons and to be at the following rates:

- (a) Gasoline: one-fortieth of one cent (1/40¢) per gallon,

(b) Diesel fuel other than that referred to in clauses (e), (f), (g), and (h) of this section: one cent (1¢) per gallon,

(c) Kerosene other than that referred to in clauses (e), (f), and (g) of this section: one cent (1¢) per gallon,

(d) Lubricating oil: fifteen cents (15¢) per gallon,

(e) Kerosene or diesel fuel that are of the types customarily used as, and that are intended to be used only as, fuel to propel jet aircraft: one-fortieth of one cent (1/40¢) per gallon,

(f) Kerosene or diesel fuel that is used by the ultimate consumer thereof as motor fuel to operate boats, yachts, ships or other maritime vehicles, whether said boats, yachts, ships or other maritime vehicles are used commercially or for pleasure: one-fortieth of one cent (1/40¢) per gallon,

(g) Kerosene or diesel fuel used by the ultimate consumer thereof to propel or operate tractors which are not operated on public highways but which are used exclusively in preparing and cultivating land, harvesting any agricultural commodity, or for other agricultural purposes, including pasture and hay production; provided, however, that the term "tractors" as used herein shall not include automobiles, trucks, pick-ups, trailers, semi-trailers, or other such vehicles: one-fortieth of one cent (1/40¢) per gallon,

(h) Diesel fuel that is of the types customarily used as, and that is intended to be used only as fuel to propel railroad locomotives: one-fortieth of one cent (1/40¢) per gallon. Diesel fuel of the types referred to in this clause (h) shall be inspected in a manner determined and prescribed by the Commissioner. It shall be the duty of the person first selling or storing or using any petroleum product in the state to pay said inspection fee. The inspection fee herein provided for shall be paid to the Commissioner on or before the 20th day of each month in respect of all petroleum products sold, stored or used in the state during the preceding month, and each remittance shall be accompanied by a certificate stating that the amount remitted is correct and that the petroleum products so sold, stored or used are of standard not less than the minimum specified for that petroleum product in the standards prescribed by the board pursuant to Section 5 hereof. If, at the time the said inspection fee is due, the person liable therefor is unable to ascertain the correct amount of such inspection fee because the use to be made of any diesel fuel or kerosene with respect to which the said inspection fee is then due has not been or cannot be ascertained at such time, then such person shall pay to the Commissioner as the inspection fee payable with respect to such diesel fuel and kerosene, one cent (1¢) for each gallon of such diesel fuel and each gallon of such kerosene. Upon furnishing proof satisfactory to the Commissioner that all or any portion of such diesel fuel or kerosene with respect to which an inspection fee at the rate of one cent (1¢) per gallon has been paid or has been or will be used for a purpose or purposes specified in clauses (e), (f), (g) and (h) above, then such person shall be entitled to a credit against the amount of inspection fee becoming due from such person on the 20th day of the then next following calendar month, such credit to be in an amount equal to thirty-nine-fortieths of one cent (39/40¢) for each gallon of kerosene or diesel fuel proved to have been used or to be used for such specified purpose or purposes; provided, that should the credit to which a person is entitled hereunder exceed the amount of the inspection fee becoming due from such person on the 20th day of the then next following calendar month, then the excess of the credit over the amount of the inspection fee becoming due shall be refunded to such person, or,

at such person's election, credited against the amount of any inspection fees subsequently becoming due from such person. The board shall have authority to promulgate rules and regulations with respect to the form and content of the proof of use which must be supplied by a person seeking such a credit or refund and with respect to the procedure to be followed in applying for such a credit or refund. The inspection fee herein provided for shall be paid but once with respect to the same product, but in the event any person fails to make payment as herein provided on or before the date such payment is due, the Commissioner shall add to the inspection fee already due an amount equal to 10% thereof as a penalty for the failure of such person to make such report and payment upon the date herein provided and shall proceed to collect such inspection fee, together with all costs incident to such collection, including the penalty. The inspection fee (and any penalty added thereto) shall constitute and operate as a lien, at all times until paid, upon any petroleum products sold or offered for sale or stored or used in the state by the person liable for the fee, and shall be immediately enforceable by the Commissioner when due in the same manner as are tax liens upon personal property of a delinquent taxpayer. The inspection fee provided for herein is in addition to all other fees and all taxes payable with respect to petroleum products. Notwithstanding anything to the contrary herein, no inspection fee or penalty shall be due or payable with respect to petroleum products which are sold or offered for sale or stored or used while they are in interstate or international commerce, but if after such petroleum products are removed from interstate or international commerce, such petroleum products are sold or offered for sale or stored or used in the state, the fee herein provided for shall be payable with respect to such petroleum products. It is further provided that the board shall have authority to adopt and promulgate reasonable rules and regulations to effectuate the evident intent and purpose of this section with respect to reporting, collection, remittance and payments of the petroleum products inspection fees imposed hereunder which shall not conflict with any of the express provisions and requirements of said section."

Section 4. Section 10 of said Act No. 1403, H. 46, approved September 17, 1971, is hereby amended to read as follows:

"Section 10. Invoice of Sale. It shall be the duty of each person selling in or for importation into the state any petroleum product to notify the Commissioner in writing by mail or otherwise on the day of shipment or other delivery for transportation, or within twenty four hours thereafter, of such sale and shipment or delivery. Such notice shall briefly describe the particular petroleum product and the number of gallons thereof and shall state the name and address of the person to which such products are sold, shipped, or delivered. The provisions of this section shall not apply to either of the following: (a) any person who is operating under a permit from the Commissioner. No sale or delivery of petroleum products shall be made from a tank, wagon, motor vehicle or delivery truck unless the driver in charge of said vehicle shall deliver to the person receiving such product an invoice that (i) shows the number of gallons of said product, (ii) has plainly written or stamped thereon the words "guaranteed legal standard", and (iii) states that the inspection fee payable with respect to such petroleum product has been paid."

Section 5. Section 12 of said Act No. 1403, H. 46, approved September 17, 1971, is hereby amended to read as follows:

"Section 12. (a) Violations, Penalties, Procedure. Any person who sells or offers for sale or stores or uses any petroleum product in the

state which is below the legal standard, or who makes a false statement or certificate as to the quantity or standard of such petroleum product, or sells or offers for sale or stores or uses any petroleum product without having procured a permit as herein required, or fails to make any report to the Commissioner as herein required, or makes a false certificate of the number of gallons of such petroleum product sold or stored or used during the preceeding month, or who otherwise violates or fails to comply with the provisions of this act, shall be guilty of a misdemeanor. The Commissioner may revoke the permit of any person found upon investigation to have sold or offered for sale or stored or used any petroleum product below the minimum standards adopted by the board pursuant to the provisions of this act, or who has failed or refused, after ten days notice by registered mail of such delinquency, to pay the inspection fee required by this act. The holder of any permit that may be revoked pursuant to the provisions of this section shall have the right, upon request of such holder, to a hearing before the Commissioner, at which such holder may appear personally or by legal representative, and he may appeal from the decision of the Commissioner by filing in the Circuit court of Montgomery County, Alabama, In Equity, a petition for an injunction against the Commissioner. In the event such an injunction is sought, sufficient bond shall be filed with the Court and conditioned as the law now provides relative to injunction bonds. The findings of the Commissioner shall be presumed to be correct.

"(b) Restraining and Enjoining Violations. In addition to penalty and other enforcement provisions of this Act and notwithstanding the existence of an adequate remedy at law, the Circuit Court In Equity or other court of like jurisdiction shall have jurisdiction and for cause shown to grant a temporary or permanent injunction, or both, restraining and enjoining any person from violation or continuing to violate any requirements of this Act declared to be unlawful under (b) of this Section, and any such person may also be restrained and enjoined from selling or offering for sale or storing or using any petroleum product without having a permit as required by this Act, or from selling, distributing, offering for sale, storing or using in this State any petroleum product upon which the inspection fee imposed by this Act is not paid, or from otherwise violating any of the provisions and requirements of this Act. Said injunction shall be issued without bond. Any action commenced hereunder shall be brought in the name of the State of Alabama upon the relation of the Attorney General."

Section 6. Severability. The provisions of this Act are severable. If any provision or part of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Section 7. Effective Date. The provisions of this Act shall become effective on March 1, 1972.

Which was adopted.

Yeas 28, Nays 0.

Yeas:

Messrs.:	Cook	Fine	Hammond
Bailes	Cooper	Foshee	Hawkins
Branyon	Dominick	Gilmore	Jones
Carr	Dozier	Givhan	Lindsey

Littleton	O'Bannon	Register	Weaver	
Lybrand	Owen	Shelby	Wilder	
McLain	Pelham	Vacca	Wilson	
Noonan				—28
<i>Nays:</i>				—0

And said Bill, H. B. 230, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Dozier	King	Owen	
Bailes	Edington	Findsey	Pelham	
Branyon	Fine	Littleton	Register	
Carr	Foshee	Lybrand	Shelby	
Clark	Gilmore	McLain	Vacca	
Cook	Givhan	Malone	Weaver	
Cooper	Harris	Noonan	Wilder	
Dominick	Hawkins	O'Bannon	Wilson	—31

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 284. Relating to taxation: Exempting nuclear fuel assemblies together with the nuclear materials contained therein and all reprocessed, recycled or residual nuclear fuel by-products, fissionable or otherwise used or useful in the production of electricity by persons regularly engaged in furnishing electricity to any person or persons from state, county and municipal taxes, licenses, fees and excises.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Hill, Adams, Adwell, Agee, Baker, Bank, Barkett, Bassett, Benton, Boles, Boutwell, Bowers, Brassell, Burgess, Callahan, Carnes, Carter, Casey, Cauthen, Cherner, Chesnut, Collins, Connell, Coshatt, Cottingham, Crawford, Cross, Crowe, Culver, Dill, Doss, Downing, Drake, Easters Edwards, Ellis, Erdreich, Falken-

burg, Fite, Gafford, Gloor, Goodwin, Grainger, Gray (F), Grey (D), Hale, Hardin, Harris, Headley, Hearn, Hobbie, Jackson, Jones (E), Jones (F), King, Kinsey, Lang, Lutz, Lyons, McBride, McCluskey, McCorquodale, McDonald, Manley, Mathews, May, Meeks, Merrill, Mims, Naramore, Nettles, O'Daniel, Owens, Parker (H), Parker (T), Perloff, Pruitt, Reed (T), Reid (R), Reynolds, Roberts, Robertson, St. John, Slate, Smith (K), Smith (P), Snell, Stewart, Stokes, Straiton, Stubbs, Taylor, Therrell, Timmons, Turner, Turnham, Waggoner Waldrop, Wallace, Warren, Weeks, Williams, Wise, Wood and Wynot:

H. J. R. 163. CONGRATULATING REPRESENTATIVE AND MRS. RONNIE G. FLIPPO ON THE BIRTH OF A SON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. O'Bannon, the Rules were suspended and the Resolution, H. J. R. 163, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 75. RESOLVED BY THE SENATE That the following Bills shall be the paramount and continuing order of business for the 26th Legislative Day only:

Bill No.	Page	
H. B. 267	25	Fire Fighters Pension Bill
H. B. 302	37	Insurance Holding Co. Bill

Mr. McLain offered the following substitute for the Resolution, S. R. 75, to-wit:

SUBSTITUTE FOR S. R. 75

Resolved by the Senate that the following Bills shall be the paramount and continuing order of business for the 26th Legislative Day.

Bill No.	Page
H. B. 300	p. 36

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 121. Relative to municipalities in this state having a population of not less than 150,000 and not more than 300,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, convention and meeting facilities, providing

ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity and providing off-street parking for the use of such enterprise; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor unless paid the reasonable value thereof; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; exempting any bonds issued under the act from the laws governing usury or prescribing or limiting interest rates; exempting the municipality from the provisions of Act No. 217 of the 1967 Special Session of the Legislature of Alabama, as amended, providing for competitive bidding, in connection with such properties and contracts and agreements in connection therewith; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Also:

S. 202. To provide for the establishment of a civic center in the municipality wherein is located the county seat of any county of the State having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census (any such county being hereinafter referred to in this title as "the county" or "such county"); to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of directors; to define the powers and authority of the board of directors, including the power to construct, maintain, control, operate and manage a civic center at the county seat and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; to authorize the county and any municipality therein to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the county or the municipality, as the case may be; and to repeal all laws, whether general, special or local, inconsistent with the provisions of this Act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 281. To provide for the alternative sentencing of minors, providing for the arraignment and trial as youthful offenders, admissibility of statements, disposition of youthful offenders, and the effect of a determination as a youthful offender.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 218. To make a supplemental appropriation to the Farmers Market Authority for the fiscal years ending September 30, 1972 and September 30, 1973.

Also:

H. 258. To further amend Act No. 288, approved July 7, 1945, (General Acts 1945, p. 478), an Act providing for appointment and designation of Supernumerary Circuit Judges.

Also:

H. 380. To make a supplemental appropriation from the State General Fund to the Alabama Commission on Aging for the purpose of matching Federal Funds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. R. 75

The Senate proceeded to further consideration of the Resolution, S. R. 75. The question was on the substitute offered by Mr. McLain.

And said substitute for the Resolution, S. R. 75, was then adopted.

Yeas 27; Nays 6.

Yeas:

Messrs.:	Foshee	Lindsey	Owen
Bailes	Gilmore	Littleton	Pelham
Branyon	Givhan	Lybrand	Shelby
Carr	Hammond	McLain	Vacca
Cook	Harris	Malone	Weaver
Dominick	Jones	Noonan	Wilder
Edington	King	O'Bannon	Wilson

—27

Nays:

Messrs.:	Cooper	Fine	Register
Clark	Dozier	Hawkins	

—6

Mr. Pelham moved that the Senate reconsider the vote by which the substitute for the Resolution, S. R. 75, was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 152. Mourning the death of J. D. Carroll of Huntsville.

Also:

H. J. R. 156. Commending Mrs. Virginia Weldon for a job well done and offering best wishes on her retirement.

Also:

H. J. R. 158. Relative to Representative Donald Stewart.

Also:

H. J. R. 159. Relative to Representative Flippo requesting that his name be stricken as a sponsor of House Bill 294.

Also:

H. J. R. 160. Honoring Robert T. Cunningham of Mobile for being named President of the International Society of Barristers.

Also:

H. J. R. 161. Declaring that the legislative intent of Act No. 3, H. B. 4, Passed in the second Special Session of 1971, was to use the wording "City of Lanett, Alabama" as a reference point for the purpose of selecting a site for the Branch Campus of Southern Union State Junior College.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

SENATE ACTIONS REQUESTED BY
HOUSE JOINT RESOLUTIONS

In accordance with the provisions of H. J. R.'s 158 and 159, the names of Messrs. Flipppo and Stewart were removed from the following records in possession of the Senate at this time:

1. The Bill, H. B. 294
2. Senate Register of House Bills
3. Senate Index of House Bills
4. Message from the House on First Reading in Senate
5. Senate Second Readings for 25th Legislative Day

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and sends same herewith to the Senate:

S. 203. To repeal Act No. 358, H. 772, Regular Session 1953, (Acts 1953, p. 425), approved August 17, 1953, entitled, "An Act to define, regulate and license barbers and barber colleges, and other like businesses within the corporate limits and police jurisdiction of the incorporated municipalities in Calhoun County, Alabama; and to create a Barbers' Commission for said county; and to fix the powers and duties of said commission; and to prescribe penalties for violations hereof."

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 230. To amend Sections 1, 3, 9, 10 and 12 of Act No. 1403, H. 46, approved September 17, 1971, entitled "An Act To provide for inspection of certain petroleum products, including those commonly known as gasoline, naphtha, diesel fuel, kerosene and lubricating oil, that are sold, offered for sale, used or stored in the State of Alabama; to provide for the issuance by the Commissioner of Agriculture and Industries of permits for selling, offering for sale, storing or using such petroleum products and to require the making of applications for such permits and payments of a permit fee; to authorize the Board of Agriculture and Industries to establish minimum standards for such petroleum products; to require compliance with such standards; to provide for enforcement of this act, including provisions for maintenance of records and for labeling, sampling and testing such products, provisions prohibiting adulteration thereof, and provisions for penalties for violation of this act; to prohibit the sale, offering for sale, storage or use in this State of petroleum products not meeting the said standards; to impose an inspection fee in respect of each such petroleum product; to provide for the disposition of such inspection fees and any penalties collected under this act; to provide that violation of this act constitutes a misdemeanor; and to repeal Article 21 of Chapter 1 of Title 2 of the Code of Alabama of 1940 and subdivision 2 of Article 26 of the said Chapter 1."

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 142. Relative to Creating An Interim Committee to Study Insurance Rates.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 88. Relative To Reapportionment Plan of the U. S. District Court.

JOHN W. PEMBERTON,
Clerk.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 121. Relative to municipalities in this state having a population of not less than 150,000 and not more than 300,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, convention and meeting facilities, providing ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity and providing off-street parking for the use of such enterprise; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor unless paid the reasonable value thereof; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds

may be used; exempting any bonds issued under the act from the laws governing usury or prescribing or limiting interest rates; exempting the municipality from the provisions of Act No. 217 of the 1967 Special Session of the Legislature of Alabama, as amended, providing for competitive bidding, in connection with such properties and contracts and agreements in connection therewith; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Also:

S. 202. To provide for the establishment of a civic center in the municipality where in is located the county seat of any county of the State having a population of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census (any such county being hereinafter referred to in this title as "the county" or "such county"); to provide for the creation of a public corporation hereinafter called "the Authority," for the purpose of establishing, maintaining and operating such civic center; to provide that the Authority shall be governed by a board of directors and that its affairs shall be managed and controlled by the board of directors; to define the powers and authority of the board of directors, including the power to construct, maintain, control, operate and manage a civic center at the county seat and to borrow money and issue revenue bonds for such purpose; to prescribe the membership of the board of directors, the terms of office of the members thereof and to provide for their appointment and compensation; to prescribe the duties of the board of directors; to confer upon the Authority the power of eminent domain; to prescribe the type of buildings which may be erected as a part of such civic center and the use of such buildings; to authorize the county and any municipality therein to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of the county or the municipality, as the case may be; and to repeal all laws, whether general, special or local, inconsistent with the provisions of this Act.

Also:

S. 203. To repeal Act No. 358, H. 772, Regular Session 1953, (Acts 1953, p. 425), approved August 17, 1953, entitled, "An Act to define, regulate and license barbers and barber colleges, and other like businesses within the corporate limits and police jurisdiction of the incorporated municipalities in Calhoun County, Alabama; and to create a Barbers' Commission for said county; and to fix the powers and duties of said commission; and to prescribe penalties for violations hereof."

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

SENSE OF THE SENATE

The President and Presiding Officer called for the sense of the Senate on the question of whether or not the Senate desires to vote

on the Bill, H. B. 267. On a call of the roll, the members voted as follows:

Yeas 22; Nays 2.

Yeas:

Messrs.:	Fine	Littleton	Register	
Branyon	Foshee	McLain	Shelby	
Clark	Givhan	Malone	Vacca	
Cook	Hammond	Noonan	Weaver	
Cooper	Hawkins	Owen	Wilson	
Dozier	Lindsey	Pelham		—22

Nays: Messrs. Harris, Wilder —2

FURTHER CONSIDERATION OF S. R. 75

The Senate proceeded to further consideration of the Resolution, S. R. 75, as amended. The question was on the motion to reconsider the vote by which the substitute for the Resolution, S. R. 75, was adopted.

Mr. Bailes moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 12; Nays 19.

Yeas:

Messrs.:	Edington	King	Malone	
Bailes	Gilmore	Lybrand	Weaver	
Carr	Harris	McLain	Wilder	
Dominick				—12

Nays:

Messrs.:	Dozier	Jones	Pelham	
Branyon	Fine	Lindsey	Register	
Clark	Foshee	Littleton	Shelby	
Cook	Givhan	Noonan	Vacca	
Cooper	Hawkins	Owen	Wilson	—19

The question then recurred on the motion to reconsider the vote by which the McLain substitute was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 230. To amend Sections 1, 3, 9, 10 and 12 of Act No. 1403, H. 46, approved September 17, 1971, entitled "An Act To provide for inspection of certain petroleum products, including those commonly known as gasoline, naphtha, diesel fuel, kerosene and lubricating oil, that are sold, offered for sale, used or stored in the State of Alabama; to provide for the issuance by the Commissioner of Agriculture and Industries of permits for selling, offering for sale, storing or using such petroleum products and to require the making of applications for such permits and payments of a permit fee; to authorize the Board of Agriculture and Industries to establish minimum standards for such petroleum products; to require compliance with such standards; to

provide for enforcement of this act, including provisions for maintenance of records and for labeling, sampling and testing such products, provisions prohibiting adulteration thereof, and provisions for penalties for violation of this act; to prohibit the sale, offering for sale, storage or use in this State of petroleum products not meeting the said standards; to impose an inspection fee in respect of each such petroleum product; to provide for the disposition of such inspection fees and any penalties collected under this act; to provide that violation of this act constitutes a misdemeanor; and to repeal Article 21 of Chapter 1 of Title 2 of the Code of Alabama of 1940 and subdivision 2 of Article 26 of the said Chapter 1."

Also:

H. J. R. 88. Creating a permanent Joint Legislative Committee on Reapportionment.

Also:

H. J. R. 142. Creating an Interim Committee to study insurance rates.

Also:

H. J. R. 163. Congratulating Representative and Mrs. Ronnie G. Flippo on the birth of a son.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 316. Proposing an amendment to the Constitution of Alabama to authorize the regulation of fees, commissions, percentages, allowances and compensation of county officers of Chilton, Dale and Jackson counties, and the regulation of costs and charges of courts in said counties.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, H. B. 316, to-wit:

AMENDMENT TO H. 316 AS AMENDED

In Section 1 strike out in its entirety the Proposed Amendment, and insert in lieu thereof the following:

PROPOSED AMENDMENT

Except as herein provided, the legislature may from time to time, by general or local law, fix, alter and regulate the fees, commissions, percentages, allowances and compensation to be charged and received

by any official of Chilton County, of Dale County or of Jackson County, including the right to place any of such officers on a salary, provide for the operation of their respective offices on such basis and provide that any and all fees, commissions, percentages or allowances charged or collected by them shall be paid into the county treasury. No law shall, however, be effective to diminish the compensation of any such officer of either county during the term for which he shall have been elected or appointed.

Provided no law regarding the compensation of any officer of any such county shall become effective unless it is approved by a referendum election held in the county for such purpose and if the electorate of any such county so approve at a referendum then any law enacted prior to the passage of this amendment fixing the compensation of officers of said county shall become effective immediately pursuant to the terms of said act.

Mr. Littleton offered the following amendment to the Committee amendment to the Bill, H. B. 316, to-wit:

AMENDMENT TO H. 316 AS AMENDED

Strike out "Dale" wherever it appears in the title.

Strike out "Dale County" wherever it appears in Section 1.

Which was adopted.

And said Committee amendment, as thus amended, to the Bill, H. B. 316, was then adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Foshee	McLain	Pierce	
Branyon	Gilmore	Malone	Register	
Carr	Givhan	Noonan	Shelby	
Clark	Hammond	O'Bannon	Vacca	
Cook	Harris	Owen	Weaver	
Cooper	King			—25

Nays:

—0

And said Bill, H. B. 316, as thus amended, was then read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Foshee	McLain	Pierce	
Branyon	Gilmore	Malone	Register	
Carr	Givhan	Noonan	Shelby	
Clark	Hammond	O'Bannon	Vacca	
Cook	Harris	Owen	Weaver	
Cooper	King			—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill, and returns same herewith to the Senate:

S. 231. Proposing an amendment to the Constitution of Alabama to authorize the regulation of fees, commissions, percentages, allowances and compensation of county officers of Dale County, and the regulation of costs and charges of courts in said county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Register, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 231, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. 231

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama to authorize the consolidation of offices in Dale County and the regulation of fees, commissions, percentages, allowances and compensation of county officers of such county, and to authorize the legislature to regulate costs and charges of courts in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution, when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

Provided that the approval of the act by the qualified electors of Dale County at a referendum election is a prerequisite to the taking effect thereof:

1. The Legislature may from time to time, by general or local law, fix, alter and regulate the fees, commissions, percentages, allowances and compensation to be charged and received by any official of Dale County, including the right to place any of such officers on a salary, provide for the operation of their respective offices on such basis, and provide that any and all fees, commissions, percentages or allowances charged or collected by them shall be paid into the county treasury.

2. The Legislature may from time to time, by general or local law, provide for the transfer of the duties, or part of the duties, of one county officer of Dale County to another officer of such county; or consolidate any two or more offices of such county into one county office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any office in such county; provided that the officer or

officers to fill the offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law.

Provided, however, no law enacted prior to the ratification of this amendment putting any officer of Dale County on a salary basis, nor any law providing for the consolidation of any offices of such county shall have any force or effect, even though such act provided that it should become effective upon adoption of an amendment to the Constitution authorizing such act.

The Legislature may also, from time to time, by general special or local laws, fix, regulate and alter the cost and charges of courts in Dale County, and the method of disbursement thereof.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham
Bailes	Fine	Lindsey	Register
Branyon	Foshee	Malone	Vacca
Carr	Gilmore	Noonan	Weaver
Clark	Givhan	O'Bannon	Wilder
Cook	Horne	Owen	Wilson
Dozier	Jones		

—25

Nays:

—0

FURTHER CONSIDERATION OF S. R. 75

The Senate proceeded to further consideration of the Resolution, S. R. 75, as amended. The question was on the motion of Mr. Pelham that the Senate reconsider the vote by which the McLain substitute was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 74. Relative to the Governor of Alabama designating the State Board of Health as the single State agency to develop and administer the State Plan for Medical Assistance (Medicaid) in conformity with Title XIX of the Federal Social Security Act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Jones (E), Cherner, Parker (T), Boles, Dill, Robertson, Gloor, Weeks, Meeks, Ellis, Doss, Timmons, Turner and Cottingham:

H. J. R. 166. MOURNING THE DEATH OF MRS. R. L. ZEIGLER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Gilmore, the Rules were suspended and the Resolution, H. J. R. 166, the title of which is set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 231. Proposing an amendment to the Constitution of Alabama to authorize the consolidation of offices in Dale County and the regulation of fees, commissions, percentages, allowances and compensation of county officers of such county, and to authorize the legislature to regulate costs and charges of courts in said county.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 74. Authorizing the State Board of Health to develop and administer as part of the State Plan for Medical Assistance.

JAMES S. CLARK,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 166. Mourning the death of Mrs. R. L. Zeigler.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of House Bill 261, Act 1937, 1971 Regular Session of the Legislature, the Speaker of the House has announced the appointment of Messrs. Wynot, Mims and Bowers as the House Members of the Women's Commission.

JOHN W. PEMBERTON,
Clerk.

INTERIM COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of H. J. R. 88, the President and Presiding Officer of the Senate announced the appointment of Messrs. Wilson, Clark, Fine, Littleton, Pierce, Vacca and Pelham to the Permanent Joint Legislative Committee on Reapportionment.

Under the provisions of H. J. R. 75, the President and Presiding Officer of the Senate announced the appointment of Messrs. Foshee and Givhan to the Fire Ant Study Commission.

Under the provisions of H. J. R. 142, the President and Presiding Officer of the Senate announced the appointment of Messrs. Owen, Weaver, Fine and Gilmore to the Joint Interim Committee to Study Insurance Rates.

Under the provisions of H. J. R. 20, the President and Presiding Officer of the Senate announced the appointment of Messrs. Dozier, Jones, Owen, Wilder and Horne to the Alabama Prison System Joint Legislative Study Committee.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Bills and Senate Joint Resolutions delivered to the Governor and Secretary of State, with the date and hour of delivery, to-wit:

S. B. 8

S. B. 9

S. B. 12

S. B. 13

S. B. 52

S. B. 71

S. B. 94

S. B. 95

S. B. 109

Delivered to the Governor January 19, 1972, at 6:10 P. M.

S. J. R. 48

S. B. 15

S. B. 19

S. B. 20

S. B. 21

S. B. 105

S. B. 119

S. B. 123

S. B. 126

S. B. 132

S. B. 134

S. B. 136

S. B. 146

S. B. 147

S. B. 158

S. B. 166

Delivered to the Governor January 27, 1972, at 2:40 P. M.

S. B. 138

S. B. 153

S. B. 154

S. B. 113

S. B. 133

S. B. 145

Delivered to the Governor February 1, 1972, at 5:20 P. M.

S. B. 117

S. B. 125

S. B. 157

S. B. 159

S. B. 120

S. B. 71

S. J. R. 22

S. B. 26

Delivered to the Governor February 3, 1972, at 2:05 P. M.

S. J. R. 33

S. J. R. 50

S. J. R. 63

S. J. R. 64

Delivered to the Governor February 4, 1972, at 2:55 P. M.

S. B. 92

S. B. 110

S. B. 111

S. B. 169

S. B. 170

S. B. 171

S. B. 172

S. B. 174

S. B. 198

S. B. 217

S. B. 218

S. B. 220

S. B. 225

S. B. 51

Delivered to the Governor February 4, 1972, at 8:10 P. M.

S. J. R. 67

Delivered to the Governor February 4, 1972, at 9:25 P. M.

S. B. 202

S. B. 203

S. B. 121

Delivered to the Governor February 4, 1972, at 11:30 P. M.

S. B. 231

Delivered to the Secretary of State, February 4, 1972, at 11:59 P. M.

S. J. R. 74

Delivered to the Governor February 4, 1972, at 11:59 P. M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of H. J. R. 75, the Speaker of the House of Representatives has appointed Messrs. Grey (D), Lang and Smith (K) as members of the Fire Ant Study Commission.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of H. J. R. 20, the Speaker of the House of Representatives has appointed Messrs. Connell, Burgess, Mims, Falkenburg and Reed (T) as members of the Alabama Prison System Joint Legislative Study Committee.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of H. J. R. 88, the Speaker of the House of Representatives has appointed Messrs. Merrill, Jones (F), Cherner, McCorquodale, Turner, Wood and Carnes as members of the Permanent Joint Legislative Committee on Reapportionment.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Under the provisions of H. J. R. 142, the Speaker of the House of Representatives has appointed Messrs. Owens, Kinsey, Reid (R), Timmons and Baker as members of the Joint Interim Committee to Study Insurance Rates.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Twenty-fifth and Twenty-sixth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journals of the Senate for the Twenty-fifth and Twenty-sixth Legislative Days were approved by the Senate.

ADJOURNMENT

At 12 o'clock Midnight, in accordance with Joint Resolution heretofore adopted, the Chair declared the Senate adjourned sine die.

/s/ JERE BEASLEY

Lieutenant Governor and
President and Presiding Officer
of the Senate

ATTEST:

/s/ McDOWELL LEE
Secretary of Senate

**LEGISLATIVE DAYS
THIRD EXTRAORDINARY SESSION 1971**

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ROSTER OF THE SENATE OF ALABAMA

THIRD EXTRAORDINARY SESSION 1971

Jere Beasley, <i>Lieutenant Governor</i>	Clayton
Pierre Pelham, <i>President Pro-Tem</i>	Mobile
McDowell Lee, <i>Secretary</i>	Montgomery
Mrs. F. B. Ruffer, <i>Assistant Secretary</i>	Montgomery
First Senatorial District—Lauderdale and Colbert Counties.	
Stewart O'Bannon, Jr.	P. O. Box 147, Florence 35630
Second Senatorial District—Limestone and Morgan Counties.	
Bob Harris	P. O. Box 1727, Decatur 35601
Third Senatorial District—Madison County.	
Gene McLain	P. O. Box 2008, Huntsville 35804
Fourth Senatorial District—Jackson, DeKalb and Cherokee Counties.	
Kenneth Hammond	Box 65, Valley Head 35989
Fifth Senatorial District—Franklin, Marion, Lawrence and Winston Counties.	
Joe Fine	P. O. Box 818, Russellville 35653
Sixth Senatorial District—Cullman and Walker Counties.	
Robert T. (Bob) Wilson	P. O. Box 1090, Jasper 35501
Seventh Senatorial District—Marshall, Blount and St. Clair Counties.	
Aubrey J. Carr	10 Windsor Drive, Guntersville 35976
Eighth Senatorial District—Etowah County.	
Richard Malone	416 Noccaculula Drive, Gadsden 35901
Ninth Senatorial District—Calhoun County.	
Fred Ray Lybrand	1111 Quintard Avenue, Anniston 36201
Tenth Senatorial District—Lamar, Fayette, Pickens, Greene and Hale Counties.	
James A. Branyon, II	P. O. Box 600, Fayette 35555
Eleventh Senatorial District—Tuscaloosa County.	
Richard C. Shelby	406 First Federal Savings Building, Tuscaloosa 35401
Twelfth Senatorial District—Jefferson County.	
Place No. 1	
Paschal P. "Pat" Vacca	929-30 Frank Nelson Building, Birmingham 35203
Place No. 2	
Tom King	1403 City Federal Bldg., Birmingham 35203
Place No. 3	
John H. Hawkins, Jr.	1841 Montclair Dr., Birmingham 35216
Place No. 4	
Richard Dominick	927 Brown Marx Bldg., Birmingham 35203
Place No. 5	
Geo. Lewis Bailes, Jr.	621 Massey Bldg., Birmingham 35203
Place No. 6	
Eddie Hubert Gilmore	P. O. Box 546, Bessemer 35020

ROSTER OF THE SENATE OF ALABAMA—Continued

Place No. 7

Doug Cook 1620 Stonewall Dr., Birmingham 35226

Thirteenth Senatorial District—Talladega, Clay and Cleburne Counties.

Robert (Bobby) Weaver P. O. Box 394, Talladega 35160

Fourteenth Senatorial District—Bibb, Perry and Dallas Counties.

Walter C. Givhan Safford 36773

Fifteenth Senatorial District—Shelby, Coosa, Chilton and Autauga Counties.

Obie J. Littleton P. O. Box 1288, Clanton 35045

Sixteenth Senatorial District—Tallapoosa, Elmore and Macon Counties.

Robert H. Wilder P. O. Box 38, Dadeville 36853

Seventeenth Senatorial District—Randolph, Chambers and Lee Counties.

Don Horne 308 South 13th Avenue, Lanett 36863

Eighteenth Senatorial District—Sumter, Marengo, Choctaw and Washington Counties.

W. H. (Pat) Lindsey, III 126 S. Mulberry Avenue, Butler 36904

Nineteenth Senatorial District—Wilcox, Clarke, Monroe and Conecuh Counties.

Roland Cooper P. O. Box 220, Camden 36726

Twentieth Senatorial District—Lowndes, Butler, Crenshaw and Covington Counties.

E. C. (Crum) Foshee P. O. Box J, Red Level 36474

Twenty-first Senatorial District—Montgomery County.

Place No. 1

J. J. (Junie) Pierce P. O. Box 485, Montgomery 36104

Place No. 2

W. Tom Jones 2193 Woodley Road, Montgomery 36111

Twenty-second Senatorial District—Bullock, Pike, Coffee and Geneva Counties.

L. L. Dozier P. O. Box 354, Troy 36081

Twenty-third Senatorial District—Russell, Barbour and Henry Counties.

James S. (Jimmy) Clark P. O. Box 71, Eufaula 36027

Twenty-fourth Senatorial District—Mobile County.

Place No. 1

L. W. "Red" Noonan 161 McGregor Avenue, Mobile 36608

Place No. 2

Pierre Pelham 919 Dauphin Street, Mobile 36604

Place No. 3

Robert S. Edington 50 St. Emanuel Street, Mobile 36602

Twenty-fifth Senatorial District—Baldwin and Escambia Counties.

L. D. (Dick) Owen, Jr. P. O. Box 45, Bay Minette 36507

Twenty-sixth Senatorial District—Houston and Dale Counties.

Larry Register P. O. Box 1845, Dothan 36301

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

THIRD EXTRAORDINARY SESSION 1971

OFFICERS

G. SAGE LYONS, *Speaker*, Mobile
 TOM GLOOR, *Speaker Pro-Tem*, Birmingham
 JOHN W. PEMBERTON, *Clerk*, Montgomery
 THOMAS J. BRYAN, *Assistant Clerk*, Auburn
 JAMES W. CAMERON, *Reading Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE		
	Place No. 1	Ronnie G. Flippo	P. O. Box 1221, Florence 35630
	Place No. 2	Robert M. (Bob) Hill, Jr.	P. O. Box 933, Florence 35630
2	LIMESTONE & LAWRENCE		
	Place No. 1	Tommy Carter	Rt. 2, Elkmont 35620
	Place No. 2	Wayland Cross	Box D, Courtland 35618
3	MADISON		
	Place No. 1	Hartwell B. Lutz	972 State Nat'l. Bk. Bldg., Huntsville 35801
	Place No. 2	Charles Grainger	300 Sparkman Dr., N. W., Huntsville 35807
	Place No. 3	Bill G. King	704 Eustis Ave., S. E., Huntsville 35801
	Place No. 4	Glenn H. Hearn	Rt. 1, Gurley 35748
	Place No. 5	Douglas V. Hale	2105 Clubview Court N. W., Huntsville 35810
4	JACKSON		
		Bill Williams	Rt. 1, Box 63, Hollywood 35752
5	COLBERT & FRANKLIN		
	Place No. 1	J. W. (Joe) Goodwin	310 Ford Rd., Muscle Shoals 35660
	Place No. 2	Glen A. Reynolds	Rt. 3, Tuscumbia 35674

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued****6 MORGAN**

Place No. 1

David B. Cauthen P. O. Box 1685, Decatur 35601

Place No. 2

Ralph E. Slate P. O. Box 1344, Decatur 35601

7 MARSHALL & CULLMAN

Place No. 1

Finis E. St. John, III P. O. Drawer K, Cullman 35055

Place No. 2

Sid McDonald P. O. Box 546, Arab 35016

Place No. 3

Tom Drake P. O. Box 36, Cullman 35055

8 DeKALB & CHEROKEE

Place No. 1

John M. Baker P. O. Box 186, Rainsville 35986

Place No. 2

Clarence Chesnut, Jr. P. O. Box 98, Gaylesville 35973

9 MARION & WINSTON

Rankin Fite P. O. Box 157, Hamilton 35570

10 BLOUNT

Ralph Reid 1301 Park Ave., Oneonta 35121

11 ETOWAH

Place No. 1

Gerald Wayne Waldrop 1995 Scenic Drive, Gadsden 35901

Place No. 2

D. B. "Dave" Carnes 823 Forest Ave., Gadsden 35901

Place No. 3

Retha Deal Wynot 1120 Bellevue Dr., Gadsden 35901

12 LAMAR & FAYETTE

D. C. Grey P. O. Box 202, Berry 35546

13 WALKER

Place No. 1

Alvis Naramore 5th Ave., 19th St., Jasper 35501

Place No. 2

Robert T. Crowe 2109 Gamble Ave., Jasper 35501

14 JEFFERSON

Place No. 1

J. Paul Meeks, Jr. 3043 Weatherton Dr., Birmingham 35223

Place No. 2

James T. Waggoner, Jr. P. O. Box 10566, Birmingham 35202

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- Place No. 3
Robert L. "Bob" Ellis, Jr. Rt. 1, Box 509, Adamsville 35005
- Place No. 4
Ben L. Erdreich 409 North 21st St., Suite 201, Birmingham 35203
- Place No. 5
Richard F. Dill 328 Observatory Dr., Birmingham 35206
- Place No. 6
Robert D. "Bobby" Timmons P. O. Box 8302, Ensley Station,
Birmingham 35218
- Place No. 7
Robert G. Adwell 2109 Darlington St., Birmingham 35226
- Place No. 8
Raymond Weeks 3420 Altamont Rd., Birmingham 35205
- Place No. 9
Chriss H. Doss 917 Frank Nelson Bldg., Birmingham 35203
- Place No. 10
Robert C. (Bob) Gafford 5345 Division Ave., Birmingham 35261
- Place No. 11
Wade Wallace 516 So. 73rd St., Birmingham 35212
- Place No. 12
Drake Boutwell 4461 Clairmont Ave., Birmingham 35222
- Place No. 13
Francis Falkenburg 2309 20th Ave., South, Birmingham 35223
- Place No. 14
Horace W. Parker 240 Pineywood Rd., Gardendale 35071
- Place No. 15
Quinton R. Bowers 1528 Shades Crest Road, Birmingham 35226
- Place No. 16
Richard L. McBride 3221 Ave. S, Apt. S, Birmingham 35208
- Place No. 17
J. Earl Jones 2022 Dartmouth Ave., Bessemer 35020
- Place No. 18
Bennett L. Cherner P. O. Box 669, Bessemer 35020
- Place No. 19
Tom Gloor Box 666, Bessemer 35020
- Place No. 20
Hugh Boles 2601 Carson Rd. Jeff State Jr. College,
Birmingham 35215
- 15 ST. CLAIR
Roy H. (Doc) Coshatt P. O. Box 766, Pell City 35125
- 16 CALHOUN
Place No. 1
Ray Burgess 501 E. 49th St., Anniston 36201
- Place No. 2
Hugh D. Merrill P. O. Box 1498, Anniston 36201
- Place No. 3
Donald W. Stewart 124 E. 10th St., Anniston 36201

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- 17 **PICKENS & GREENE**
William H. Lang P. O. Box 426, Reform 35481
- 18 **TUSCALOOSA**
Place No. 1
John L. Culver Route 3, Box 166, Tuscaloosa 35401
Place No. 2
Edward D. Robertson P. O. Box 331, Northport 35476
Place No. 3
Tim Parker P. O. Box 72, Tuscaloosa 35401
Place No. 4
Bert Bank P. O. Box 2000, Tuscaloosa 35401
- 19 **SHELBY**
Tom Stubbs Rt. 1, Box 14, Helena 35080
- 20 **TALLADEGA**
Place No. 1
Murray P. McCluskey Box 599, Sylacauga 35150
Place No. 2
Philip H. (Phil) Smith P. O. Box 15, Talladega 35160
- 21 **CLAY & COOSA**
Charles (Pete) Mathews Box 355, Ashland 36251
- 22 **CLEBURNE & RANDOLPH**
John S. Casey P. O. Box 266, Heflin 36264
- 23 **HALE & BIBB**
Walter Owens 107 Court Square, West, Centreville 35042
- 24 **CHILTON**
Lewis W. Headley P. O. Box 471, Clanton 35045
- 25 **TALLAPOOSA**
Kirby Smith Rt. 1, Box 572, Dadeville 36853
- 26 **CHAMBERS**
Charles Snell P. O. Box 387, Fairfax 36854
- 27 **SUMTER, MARENGO & PERRY**
Place No. 1
Ira D. Pruitt P. O. Drawer PP, Livingston 35470
Place No. 2
Richard S. Manley P. O. Drawer U, Demopolis 36732
- 28 **DALLAS**
Place No. 1
Paul C. Cottingham Rt. 2, Box 276A, Selma 36701
Place No. 2
W. Milam Turner, Jr. 7 Mimosa St., Selma 36701

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 29 **AUTAUGA & LOWNDES**
William D. Edwards Rt. 1, Ft. Deposit 36032
- 30 **ELMORE**
H. H. (Runt) O'Daniel Box 416, Tallassee 36078
- 31 **MACON, BULLOCK & BARBOUR**
Place No. 1
Thomas J. Reed P. O. Drawer EE, Tuskegee Institute 36088
Place No. 2
Fred D. Gray P. O. Box 395, Tuskegee 36083
- 32 **LEE & RUSSELL**
Place No. 1
Bowen Brassell P. O. Box 573, Phenix City 36867
Place No. 2
Pete Turnham P. O. Box 1592, Auburn 36830
Place No. 3
Charles H. Adams P. O. Box 967, Phenix City 36867
- 33 **CHOCTAW, CLARKE & WASHINGTON**
Place No. 1
Grover Lamar Agee P. O. Box 250, Chatom 36518
Place No. 2
Joe C. McCorquodale, Jr. P. O. Box 535, Jackson 36545
- 34 **WILCOX, MONROE & CONECUH**
Place No. 1
Maston Mims Rt. 1, Uriah 36480
Place No. 2
James E. Warren Box 207, Castleberry 36432
- 35 **MONTGOMERY**
Place No. 1
Sam W. Taylor 2429 Woodley Rd., Montgomery 36111
Place No. 2
James D. Harris, Jr. 1110 Union Bank Bldg., Montgomery 36104
Place No. 3
Walker Hobbie, Jr. Rt. 1, Box 384, Montgomery 36105
Place No. 4
Fred R. Jones 132 So. Perry St., Montgomery 36104
Place No. 5
James D. Straiton P. O. Box 4292, Montgomery 36104
- 36 **BUTLER, CRENSHAW & PIKE**
Place No. 1
L. Gardner Bassett 206 Orange St., Troy 36081
Place No. 2
William E. (Gene) Hardin, Jr. P. O. Box 507, Greenville 36037

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued****37 MOBILE**

Place No. 1

James C. (Jim) Wood 1010 Van Antwerp Bldg., Mobile 36602

Place No. 2

Ben Stokes P. O. Box 293, Mobile 36601

Place No. 3

Mayer W. (Mike) Perloff 257 St. Anthony St., Mobile 36603

Place No. 4

Charles C. Therrell 203 No. Gould Ave., Whistler 36612

Place No. 5

H. L. Callahan P. O. Box 1208, Mobile 36601

Place No. 6

G. Sage Lyons P. O. Box 2727, Mobile 36601

Place No. 7

Bert Nettles P. O. Box 2232, Mobile 36601

Place No. 8

Maurice A. "Casey" Downing P. O. Box 4457, Mobile 36604

Place No. 9

W. M. (Monty) Collins P. O. Box 1411, Mobile 36601

Place No. 10

Bill Roberts 148 Tuscaloosa St., Mobile 36607

38 BALDWIN

Place No. 1

Daniel L. Kinsey P. O. Box 877, Foley 36535

Place No. 2

Thomas H. Benton Rt. 2, Box 185, Foley 36535

39 ESCAMBIA

Philip T. May P. O. Box 326, Brewton 36426

40 COVINGTON & GENEVA

Place No. 1

Frank Jackson Box 408, Opp 36467

Place No. 2

Harold B. Wise Rt. 2, Box 156, Kinston 36453

41 COFFEE

Douglas Easters 573 East Davis St., Elba 36323

42 DALE

Fred Barkett Box 430, Ozark 36360

43 HOUSTON & HENRY

Place No. 1

Buddy Crawford Columbia Road, Abbeville 36310

Place No. 2

B. W. Connell Rt. 5, Box 141, Dothan 36301

SENATE
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